

JOURNAL OF THE FLORIDA SENATE

Tuesday, May 25, 1971

The Senate was called to order by the President at 8:30 a.m. for the purpose of conducting the order of business of Introduction and reference of Resolutions, Memorials, Bills and Joint Resolutions, pursuant to Rule 4.3.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

*The Honorable Jerry Thomas
President of the Senate*

May 20, 1971

Sir:

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendments and has passed as amended—

HB 440

HB 508

CS for HB 1289

*Respectfully,
ALLEN MORRIS
Clerk, House of Representatives*

*The Honorable Jerry Thomas
President of the Senate*

May 21, 1971

Sir:

I am directed to inform the Senate that the House of Representatives has passed as amended—

By Representatives Miers and Tucker—

HB 2—A bill to be entitled An act relating to the Florida highway patrol, disability pensions; amending section 321.20 (2), Florida Statutes, to provide an alternate method of determining total disability pensions; providing an effective date.

By Representative Baker—

HB 1269—A bill to be entitled An act relating to health; amending §383.14, Florida Statutes, to require the testing of all newborns for phenylketonuria prior to two (2) weeks of age; authorizing the division of health to promulgate rules and regulations; providing an educational program; requiring a registry of cases and the reporting of all test results; providing an effective date.

—and requests the concurrence of the Senate therein.

*Respectfully,
ALLEN MORRIS
Clerk, House of Representatives*

HB 2, contained in the above message, was read the first time by title and referred to the Committee on Personnel, Retirement and Claims.

HB 1269, contained in the above message, was read the first time by title and referred to the Committee on Health, Welfare and Institutions.

*The Honorable Jerry Thomas
President of the Senate*

May 21, 1971

Sir:

I am directed to inform the Senate that the House of Representatives has passed as amended—

By the Committee on Transportation—

HB 1545—A bill to be entitled An act relating to the department of transportation; amending §334.19(5) and (6), Florida Statutes; requiring the internal auditor to be a Florida regis-

tered certified public accountant and to be employed by the secretary of transportation; adding investigation of certain violations to the auditor's duties; providing an effective date.

By Representative Fleece—

HB 101—A bill to be entitled An act relating to elections; amending Section 99.161 (8), Florida Statutes, by adding a new subparagraph (f), to eliminate requirement that unopposed candidates file a report; providing an effective date.

—and requests the concurrence of the Senate therein.

*Respectfully,
ALLEN MORRIS
Clerk, House of Representatives*

HB 1545, contained in the above message, was read the first time by title and referred to the Committee on Transportation.

HB 101, contained in the above message, was read the first time by title and referred to the Committee on Judiciary—Civil B.

*The Honorable Jerry Thomas
President of the Senate*

May 21, 1971

Sir:

I am directed to inform the Senate that the House of Representatives has passed as amended—

By Representative Crabtree—

HB 1906—A bill to be entitled An act relating to the board of tax adjustment; providing for the addition of two (2) members of the governing body in cases relating to property within a municipality; providing an effective date.

By Representative Alvarez—

HB 1693—A bill to be entitled An act relating to education; amending section 230.23, Florida Statutes, by adding subsection (19) authorizing the district school boards to appoint student advisory members; providing an effective date.

—and requests the concurrence of the Senate therein.

*Respectfully,
ALLEN MORRIS
Clerk, House of Representatives*

HB 1906, contained in the above message, was read the first time by title and referred to the Committee on Governmental Efficiency.

HB 1693, contained in the above message, was read the first time by title and referred to the Committee on Public Schools.

*The Honorable Jerry Thomas
President of the Senate*

May 21, 1971

Sir:

I am directed to inform the Senate that the House of Representatives has passed as amended—

By Representative Hartnett—

HB 452—A bill to be entitled An act relating to insurance code, group disability insurance; amending §627.0602(1)(c), Florida Statutes, providing that no director of a corporate employer shall be eligible for group disability insurance unless such person receives an annual salary from the corporation in

excess of two thousand five hundred dollars (\$2,500); providing an effective date.

By Representative Firestone—

HB 1038—A bill to be entitled An act relating to ambulance companies; amending section 817.50(1), Florida Statutes, to include ambulance companies within the prohibition of fraudulently obtaining hospital services; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HB 452, contained in the above message, was read the first time by title and referred to the Committee on Commerce.

HB 1038, contained in the above message, was read the first time by title and referred to the Committee on Judiciary—Criminal.

The Honorable Jerry Thomas
President of the Senate

May 21, 1971

Sir:

I am directed to inform the Senate that the House of Representatives has passed as amended—

By the Committee on Judiciary and Representative Shreve—

CS for HB 660—A bill to be entitled An act relating to exhibition of motion pictures harmful to minors; amending section 847.013(2), Florida Statutes, by adding paragraphs (e), (f), (g), (h) and (i); providing that it shall be unlawful for any person to knowingly exhibit or admit a minor to certain motion pictures, shows, etc.; providing that a minor may enter such motion pictures, shows, etc., with a parent; providing that it shall be unlawful for a person to make misrepresentations in order that a minor gain admission to such motion pictures, shows, etc.; providing a penalty for violation of the act; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

CS for HB 660, contained in the above message, was read the first time by title and referred to the Committee on Judiciary—Criminal.

The Honorable Jerry Thomas
President of the Senate

May 21, 1971

Sir:

I am directed to inform the Senate that the House of Representatives has passed as amended—

By Representative Harris—

HB 1260—A bill to be entitled An act relating to the investment of state funds by the state board of administration; amending section 18.10, Florida Statutes, to require deposits of certain state funds in interest bearing time deposits at rates to be determined by the state board of administration; permitting investment of funds in certain securities; requiring the state treasurer to keep the board advised of the status of all state money invested; providing an effective date.

By the Committee on Transportation—

HB 2162—A bill to be entitled An act relating to land surveyors, amending §472.14, Florida Statutes, providing author-

ization for soil sampling and engineering surveys by registered engineers and surveyors, providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HB 1260, contained in the above message, was read the first time by title and referred to the Committee on Rules, Calendar, Privileged Business and Ethics.

HB 2162, contained in the above message, was read the first time by title and referred to the Committee on Judiciary—Civil A.

The Honorable Jerry Thomas
President of the Senate

May 24, 1971

Sir:

I am directed to inform the Senate that the House of Representatives has passed—

By Representative Moudry and others—

HB 2099—A bill to be entitled An act relating to criminal courts of record; providing for appointment by governor of a census commission pursuant to Section 9 of Article V, of the Florida Constitution, to determine population of Palm Beach County; providing for public hearings; providing for expenditure of county funds for the conduct of such census; providing an effective date.

Proof of Publication attached.

By Representative David Clark and others—

HB 2100—A bill to be entitled An act relating to circuit courts; providing for appointment by the governor of a census commission, pursuant to §26.011, Florida Statutes, to determine the population of the fifteenth judicial circuit; providing for the expenditure of county funds for the conduct of such census; providing an effective date.

Proof of Publication attached.

By Representative David Clark and others—

HB 2178—A bill to be entitled An act relating to Palm Beach County; authorizing adoption by resolution of the district school board of said county of an additional thirty (30) day suspension procedure; providing that only the superintendent of schools may extend the suspension of a pupil for more than ten (10) days; providing for notice to parents; providing for early termination of suspension; providing for a hearing; providing an effective date.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

The Honorable Jerry Thomas
President of the Senate

May 24, 1971

Sir:

I am directed to inform the Senate that the House of Representatives has passed—

By Representative Dixon and others—

HB 1625—A bill to be entitled An act relating to the pension fund created by Chapter 23259, Laws of Florida, Acts of 1945, as amended, entitled "An act providing for pensions for em-

ployees of the county of Duval" so as to specifically provide that the employing agency which pays the salary of members of said fund shall make the matching contribution required by law of such amount as equals the payments required to be made by members into said fund; providing a retroactive application thereof; providing an effective date.

Proof of Publication attached.

By Representative Dixon and others—

HB 1622—A bill to be entitled An act amending Article 13 of Chapter 67-1320, Laws of Florida, providing that the Council of the City of Jacksonville shall fix the amount and method of compensation of members of examining committees appointed to examine and re-examine alleged recalcitrant tuberculous persons, alleged epileptic and feeble-minded persons, and alleged mental incompetents in lunacy proceedings in the City of Jacksonville subject to certain minimum fees; repealing conflicting laws to the extent of conflict; providing severability if any part of this act is declared unconstitutional; providing an effective date.

Proof of Publication attached.

By Representative Zinkil—

HB 1585—A bill to be entitled An act relating to Port Everglades Authority; amending the Port Chapter, being Chapter 59-1157, Laws of Florida, 1959, by amending part 1, article 3, Section 1, (g), as amended by Chapter 61-1956 by adding thereto a sub-section relating to creating a lien in favor of port everglades authority on cargo or other personal property stored on premises owned by the authority for charges for storage, services or facilities provided by the port authority; providing for enforcement of such lien whenever payment of such charge is delinquent for a period in excess of three months; requiring appropriate notice to persons known to claim an interest in the cargo or goods; providing for appropriate notice and conditions and terms of sale pursuant thereto and providing an effective date.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

The Honorable Jerry Thomas
President of the Senate

May 24, 1971

Sir:

I am directed to inform the Senate that the House of Representatives has passed—

By Representative Johnson and others—

HB 1144—A bill to be entitled An act relating to Sarasota county; declaring that the holding of a referendum election on the 3rd day of November, 1970, on the question of the expansion of airport facilities by the board of county commissioners of Sarasota County, Florida, served a proper public and county purpose; authorizing, ratifying and confirming the expenditure of county funds for the holding of such election; providing an effective date.

Proof of Publication attached.

By Representative Johnson and others—

HB 1492—A bill to be entitled An act relating to Sarasota County; incorporating certain lands into the Pinecraft lighting district; providing for powers, duties, liabilities and administration of said district; providing for a board of commissioners and its membership, appointment, powers and duties; providing for the levy, collection and enforcement of special assessments and the creation of liens upon lands in said district; providing definitions; providing for a referendum election.

Proof of Publication attached.

By Representative Poorbaugh and others—

HB 2181—A bill to be entitled An act relating to Palm Beach County; authorizing adoption by resolution of the district school board of said county of certain portions of the state administrative adjudication procedure relating to public hearings; authorizing the board to administer oaths, take depositions, and issue subpoenas; providing for enforcement and fees; providing for conflicts with the state school code; providing an effective date.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

The Honorable Jerry Thomas
President of the Senate

May 24, 1971

Sir:

I am directed to inform the Senate that the House of Representatives has passed—

By Representative Earle and others—

HB 2118—A bill to be entitled An act relating to Orange County; providing for further and additional benefits from the county to and for each circuit judge who is a resident of the county; providing for the judges' participation in Orange County's medical, health, accident and life insurance program; providing an effective date.

Proof of Publication attached.

By Representative David Clark and others—

HB 2177—A bill to be entitled An act relating to Palm Beach County; prohibiting loitering by persons in, upon and in the vicinity of educational institutions within the Palm Beach County public school system; making violation a misdemeanor; providing for conflicts with the state school code; providing an effective date.

Proof of Publication attached.

By Representative Poorbaugh and others—

HB 2180—A bill to be entitled An act relating to Palm Beach County, district school system; providing definition; authorizing a school official to temporarily detain and question a student under circumstances which reasonably indicate that such student has committed, is committing, or is about to commit a violation of the laws of this state or the county; permitting search of detained student and his locker; providing that any stolen or illegal property may be seized; providing that student shall not be detained longer than reasonably necessary; providing an effective date.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

The Honorable Jerry Thomas
President of the Senate

May 24, 1971

Sir:

I am directed to inform the Senate that the House of Representatives has passed—

By Representative Fleece and others—

HB 2124—A bill to be entitled An act relating to County Judges' Court providing for the salary of Judges of this Court

and the manner of its payment; repealing all conflicting laws; providing an effective date.

Proof of Publication attached.

By Representatives Woodward and Mixson—

HB 2111—A bill to be entitled An act creating a small claims court in Gadsden County; prescribing the jurisdiction of the court; providing for the appointment of a judge, clerk, and deputy clerks; providing for the amount and disposition of filing fees, the judge's compensation and expenses, an executive officer, court sessions, rules of procedure, and service of process by registered mail; authorizing the county to furnish supplies; repealing chapters 28345, Laws of Florida, 1953, and 61-851, Laws of Florida, relating to the same subject; providing an effective date.

Proof of Publication attached.

By Representative Woodward—

HB 2109—A bill to be entitled An act creating a small claims court in Liberty County; prescribing the jurisdiction of the court; providing for the appointment of a judge and a clerk; providing for the amount and disposition of filing fees, the judge's compensation and expenses, an executive officer, court sessions, service of process by registered mail, and rules of procedure; authorizing the county to furnish supplies; providing an effective date.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

The Honorable Jerry Thomas
President of the Senate

May 24, 1971

Sir:

I am directed to inform the Senate that the House of Representatives has passed—

By Representative Reeves and others—

HB 2205—A bill to be entitled An act relating to the City of Pensacola, Escambia County; establishing the corporate boundaries of the City of Pensacola as of January 1, 1971; providing for the jurisdictional powers and duties of said city, its council, commissions, boards and officers and providing for the powers to be exercised by said city in said territory; providing the method by which future annexed territory may become a part of the City of Pensacola and related provisions concerning said future annexed territory; providing a repealing clause; providing an effective date.

Proof of Publication attached.

By Representative Rish—

HB 2249—A bill to be entitled An act relating to the harbor master of the Port of Port St. Joe, Gulf County; amending section 1 of chapter 21267, Laws of Florida, 1941, as amended by chapter 61-2210, Laws of Florida, to provide for election of the harbor master in the same manner as other state and county officials are elected; extending the term of the present harbor master; providing an effective date.

Proof of Publication attached.

By Representative Reeves and others—

HB 2204—A bill to be entitled An act relating to the City of Pensacola, Escambia County; amending section 1 of chapter 65-2091, Laws of Florida; reducing the percentage of registered voters needed to sign a petition for a referendum on council action from twenty percent (20%) to fifteen percent (15%); providing an effective date.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

The Honorable Jerry Thomas
President of the Senate

May 24, 1971

Sir:

I am directed to inform the Senate that the House of Representatives has passed—

By Representative MacKay and others—

HB 1499—A bill to be entitled An act authorizing the Marion County Hospital District to issue revenue bonds to finance the cost of the construction and acquisition of hospital facilities in said Hospital District; providing for the pledge for the payment of such revenue bonds of all or any part of the revenues derived from the hospital facilities of such Hospital District or other funds; providing for the rights, remedies and security of the holders of said revenue bonds; providing severability; and providing an effective date.

Proof of Publication attached.

By Representative Tittle—

HB 2169—A bill to be entitled An act relating to Monroe County; authorizing the governing body of the county-owned hospital situated on Stock Island, Key West, to continue in existence until payment of indebtedness; providing for the disposition of any unexpended funds after payment of debts; declaring legislative intent; repealing all laws and parts of laws in conflict with this act to the extent of such conflict; providing an effective date.

Proof of Publication attached.

By Representative Tittle—

HB 2200—A bill to be entitled An act relating to Monroe County; amending chapter 70-810, Laws of Florida, relating to the Florida Keys aqueduct authority; providing for additional jurisdiction and authority over sewers and sewer systems; providing for establishment of sewer districts; providing for special assessments and charges; providing an effective date.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

The Honorable Jerry Thomas
President of the Senate

May 24, 1971

Sir:

I am directed to inform the Senate that the House of Representatives has passed—

By Representative Ogden and others—

HB 2110—A bill to be entitled An act creating the Jacksonville Vocational Educational Authority, defining terms used therein; providing the manner, number, and terms, method of appointment, confirmation and qualifications of members, authorizing reimbursement of members' expenses and subjecting members to a code of ethics; providing for meetings and officers, constitution of a quorum and the adoption of rules, regulations and by-laws; providing powers to conduct, operate and maintain a vocational educational facility or facilities and system in the City of Jacksonville, granting power to acquire property, both real, personal and otherwise by donation, acquisition or purchase; providing for advisory board; provid-

ing that it is permissible for the Authority to receive local, state and federal funds as well as funds and all other types of donations from private contributors; providing fiscal and budgetary functions in the Authority subject to certain limitations; providing for the power to issue revenue bonds for the payment of which revenues derived by the Authority may be pledged under specified limitations and conditions without, however, in any way constituting a lien upon any of the real or personal property of the Authority; providing for the power to operate a facility or facilities for vocational education and to lease or otherwise furnish said facility for the use by the Duval County School Board and/or the Florida Junior College at Jacksonville and other public entities; providing that the Authority shall not have the power to prepare or administer a teaching curriculum or to conduct a school in any of the facilities owned, operated or leased by the Authority; providing that the Authority shall utilize the Central Services Department of the City and pay for the same; providing for a managing director, his duties, powers, qualifications, manner of compensation, exclusion from Civil Service; providing for employment of a staff and other employees authorizing the power and manner and method in which the Authority may contract, sue and be sued; providing how and when this act shall become law and when members and employees hereunder shall take office and be compensated; providing for repealer clause; providing for severability clause; providing an effective date.

Proof of Publication attached.

By Representative Reeves and others—

HB 2203—A bill to be entitled An act relating to Escambia County; amending §§3, 7(11), 9 and 12 of chapter 67-1373, Laws of Florida, which created the Escambia electronic data processing management board; providing for the membership of the board; providing for experience level of members; authorizing contractual arrangements for the provision of data processing services to governmental bodies in other counties; permitting the board to reduce charges or contract for services at a lesser cost if costs are not increased thereby; providing for annual audit; providing an effective date.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

The Honorable Jerry Thomas
President of the Senate

May 24, 1971

Sir:

I am directed to inform the Senate that the House of Representatives has passed—

By Representative Smith—

HB 1517—A bill to be entitled An act relating to Port Everglades Authority; amending Part VI, Article 4, Section 6 of Chapter 61-1956, Laws of Florida; relating to refusal, suspension or revocation of permit or grant; providing an effective date.

Proof of Publication attached.

By Representative Tubbs—

HB 1502—A bill to be entitled An act relating to Brevard County, Florida; abolishing the Crane Creek Drainage District; providing for a transfer of all records, funds, and real and personal property to Brevard County; providing for the transfer and assignment of the right to collect all delinquent annual installment and maintenance taxes to Brevard County; preserving the validity and finality of the final judgment of foreclosure; providing for an effective date.

Proof of Publication attached.

By Representative Tubbs—

HB 2171—A bill to be entitled An act relating to the regulating, licensing and testing of those engaged in the business of heating, air conditioning, refrigeration and ventilating contractors and sheet metal contractors in all of the areas of Brevard County, Florida; providing for definitions; establishing classifications for heating, air conditioning, refrigeration and ventilating contractors and sheet metal contractors and the scope of work involved in such classifications; creating a board of examiners; defining the duties, composition and authority of such board; designating the Brevard County Zoning Director as Executive Secretary to such board and defining his duties and responsibilities; providing for the examination of applicants for the designated classes of heating, air conditioning, refrigeration and ventilating contractors and the issuance of certificates of proficiency for such classes; providing for the issuance of certificates of competency and financial responsibility to such classes of contractors based upon specified criteria; providing that the attainment of such certificates shall be a condition precedent to the issuance of a license to engage in the business of a heating, air conditioning, refrigeration and ventilating contractor and sheet metal contractor; providing exceptions; making it unlawful to engage in the business as such a contractor without said license; establishing the contents of an application for certificate of competency and financial responsibility; establishing the criteria for the review of such application and the issuance of such certificate; establishing an application fee; defining the scope of a certificate of competency and financial responsibility; providing the standards for the suspension or revocation of such certificate; establishing a procedure for such suspension or revocation; regulating previously licensed heating, air conditioning, refrigeration and ventilating contractors and sheet metal contractors; providing that violations of ordinance shall be a misdemeanor and providing an effective date.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

The Honorable Jerry Thomas
President of the Senate

May 24, 1971

Sir:

I am directed to inform the Senate that the House of Representatives has passed—

By Representative Sessums and others—

HB 1485—A bill to be entitled An act relating to Hillsborough County; authorizing the district school board of said county to provide, by the adoption of policy, for the payment of terminal pay for noninstructional personnel upon their death or retirement; providing an effective date.

Proof of Publication attached.

By Representatives Gallen and Harllee—

HB 1442—A bill to be entitled An act relating to the school board of Manatee County, Florida authorizing said school board to provide certain group insurance plans and providing an effective date.

Proof of Publication attached.

By Representatives Gallen and Harllee—

HB 2149—A bill to be entitled An act amending Section 7(b)(4) of Chapter 67-1062, Laws of Florida, as amended by Chapter 68-79, Laws of Florida, and by Chapter 69-749, Laws of Florida; relating to Manatee County, Florida; providing for the salary of the official court reporter of the Court of Record of Manatee County, Florida; ratifying and confirming prior salary payments made by the Board of County Commissioners of Manatee County, Florida, to the official court reporter of said court; providing an effective date.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

The Honorable Jerry Thomas
President of the Senate

May 24, 1971

Sir:

I am directed to inform the Senate that the House of Representatives has passed—

By Representative Williamson and others —

HB 2261—A bill to be entitled An act relating to North Springs Drainage District in Broward County, Florida, changing the name of the district created under the authority of chapter 298, Florida Statutes, to the North Springs Improvement District, defining the boundaries of the district; broadening the powers and functions of the district in relation to the construction of roads and highways, drainage and water control systems, water and sewage facilities and recreational facilities; providing that the provisions of chapter 298, Florida Statutes, shall be applicable to the North Springs Improvement District except provisions of sections: 298.07, 298.11, 298.12, 298.14, 298.15, 298.17, 298.18, 298.20, 298.23, 298.24, 298.25, 298.35, 298.37, 298.38, 298.39, 298.40, 298.401, 298.41, 298.42, 298.44, 298.45, 298.46, 298.48, 298.52, 298.54, 298.56, 298.57, 298.61, 298.69, 298.70, 298.71, 298.72, 298.73, 298.74, Florida Statutes, providing for the management of the affairs of the district by a board of supervisors; providing for the powers and duties of the board of supervisors to carry out the purposes of the district, providing that the assessment and imposition upon the lands in the district of an ad valorem tax; authorizing the issuance of obligations of the district to finance the construction of the works and projects of the district; providing for alternative methods of adopting and completing a plan of reclamation; authorizing the establishment of charges for the facilities and services of the district; providing for the enforcement of the provisions of the act or the rules adopted hereunder; and providing for an effective date.

Proof of Publication attached.

By Representative J. W. Robinson—

HB 2130—A bill to be entitled An act relating to Brevard County; authorizing financing of certain public works; authorizing the acquisition and construction of roads, bridges, highways, curbs, storm sewers, and drains on county road system; authorizing the acquisition, construction, repair or remodeling of county buildings or public facilities; authorizing the acquisition, construction and improvement of county park and recreational facilities; authorizing the acquisition, repair and maintenance of major county equipment to be used in the construction, repair and maintenance of the county road system; authorizing the acquisition and maintenance of county owned ambulance and related ambulance service equipment; authorizing the acquisition and maintenance of county playgrounds and recreation centers; authorizing the acquisition of rights-of-way and the construction and maintenance of sanitary sewerage lines and facilities; authorizing the issuance of indebtedness payable from racetrack funds accruing annually to the board of county commissioners; authorizing said county to make valid and legally-binding covenants with the holders of the certificates of indebtedness; providing an effective date.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

Evidence of notice and publication was established by the Senate as to House Bills 2099, 2100, 2178, 1625, 1622, 1585,

1144, 1492, 2181, 2118, 2177, 2180, 2124, 2111, 2109, 2205, 2249, 2204, 1499, 2169, 2200, 2110, 2203, 1517, 1502, 2171, 1485, 1442, 2149, 2261 and 2130, contained in the above messages, which were read the first time by title and referred to the Committee on Rules, Calendar, Privileged Business and Ethics.

The Senate recessed at 8:42 a.m.

The Senate was called to order by the President at 9:00 a.m.

A quorum present—46:

Mr. President	Deeb	Johnson (34th)	Reuter
Arnold	de la Parte	Karl	Saunders
Barron	Ducker	Knopke	Sayler
Barrow	Fincher	Lane	Scarborough
Beaufort	Gong	Lewis (33rd)	Stolzenburg
Bell	Graham	Lewis (43rd)	Trask
Bishop	Gunter	McClain	Ware
Boyd	Haverfield	Myers	Weber
Brantley	Henderson	Ott	Weissenborn
Broxson	Hollahan	Plante	Wilson
Childers	Horne	Pope	
Daniel	Johnson (29th)	Poston	

Excused: Senator Williams until 2:00 p.m., Senator Broxson at 2:00 p.m., Senator Poston at 2:30 p.m., Senator Brannen.

Prayer by Senator Boyd:

Our Father, we ask that you give us the wisdom to know what is right and then the courage to do what is right. We ask that you forgive our sins. These blessings we ask in Jesus' name. Amen.

The Journal of May 24 was corrected and approved as follows:

Strike page number "472" and insert: 474

Strike page number "474" and insert: 472

Insert corrected pages 472 and 474 in numerical order

Page 499, counting from the bottom of column 2, line 17, after "title" insert: , passed

Page 500, counting from the bottom of column 2, line 16, strike "1350" and insert: 1360

REPORTS OF COMMITTEES

The Committee on Commerce recommends the following pass: HB 1821 with 2 amendments

(other amendments were adopted but were absorbed by the amendment striking all after the enacting clause)

The Committee on Commerce recommends the following pass:

CS for HB's 1041, 1042, and 1044	
HB 559	HB 737
HB 560	SB 1286
HB 1043	SB 1379 with 1 amendment
HB 1053	

The Committee on Judiciary—Criminal recommends the following pass:

SB 1469 with 1 amendment
SB 1512 with 2 amendments

CS for HB 690 with 1 amendment
SB 1081 with 1 amendment

The Committee on Personnel, Retirement and Claims recommends the following pass:

SB 1150	SB 993	SB 997	SB 1242
SB 1075	SB 994	SB 1021	SB 1176
SB 1208	SB 995	SB 1443	
SB 1382	SB 996	SB 1476	

The Committee on Ways and Means recommends the following pass:

SB 217 with 6 amendments	SB 324 with 3 amendments
SB 263 with 2 amendments	HB 728

The bills contained in the foregoing reports were placed on the Calendar.

The Committee on Personnel, Retirement and Claims recommends the following pass:

HB 14	HB 724
SB 786	SB 944
SB 1478	HB 299 with 1 amendment

The bills were referred to the Committee on Ways and Means under the original reference.

The Committee on Health, Welfare and Institutions recommends the following pass: SB 1326 with 4 amendments

The Committee on Personnel, Retirement and Claims recommends the following pass: HB 1150

The bills contained in the foregoing reports were referred to the Committee on Governmental Efficiency under the original reference.

The Committee on Judiciary—Criminal recommends the Committee Substitute as offered by the Committee on Natural Resources and Conservation for SB 96.

The Committee on Ways and Means recommends a Committee Substitute as recommended by the Committee on Transportation for SB 40.

The Committee on Ways and Means recommends a Committee Substitute for SCR 1263.

The Committee on Ways and Means recommends a Committee Substitute as recommended by the Committee on Transportation for SB 964.

The Committee on Ways and Means recommends a Committee Substitute as recommended by the Committee on Judiciary—Civil A for SJR 4.

The bills with Committee Substitutes attached contained in the foregoing reports were placed on the Calendar.

The Committee on Judiciary—Criminal recommends the following not pass: HB 94

The Committee on Personnel, Retirement and Claims recommends the following not pass: SB 7

The Committee on Ways and Means recommends the following not pass: SB 610

The bills contained in the foregoing reports were laid on the table.

The Committee on Rules, Calendar, Privileged Business and Ethics recommends that an emergency exists compelling consideration of the following bills: SB 1583, SB 1584.

Respectfully Submitted,
George L. Hollahan, Jr.
Chairman

On motion by Senator de la Parte, Rule 4.4 was waived and Senate Bills 1583 and 1584 were ordered delivered to the Committee on Ways and Means notwithstanding the fact the session is in its last thirty days.

ENGROSSING REPORTS

Your Engrossing Clerk to whom was referred—

SB 905 with 4 amendments SB 1043 with 2 amendments

—reports that the Senate amendments have been incorporated and the bills are returned herewith.

ELMER O. FRIDAY
Secretary of the Senate

The bills were immediately certified to the House.

Your Engrossing Clerk to whom was referred—

SB 1162 with 2 amendments SB 1557 with 2 amendments
SB 1312 with 1 amendment SB 1558 with 2 amendments
SB 1490 with 2 amendments

—reports that the Senate amendments have been incorporated and the bills are returned herewith.

ELMER O. FRIDAY
Secretary of the Senate

The bills were certified to the House.

Your Engrossing Clerk to whom was referred CS for SB 50 with 5 amendments reports that the House amendments have been incorporated and the bill is returned herewith.

ELMER O. FRIDAY
Secretary of the Senate

The bill was ordered enrolled.

By unanimous consent Senator Fincher was recorded as voting yea on HB 1720 which passed the Senate May 24.

Rule Change

On motion by Senator Horne, the Senate, for the remainder of the Session, suspended operation of that part of Rule 2.12 which required committees to report bills within 15 days of reference.

Senator Horne moved that the chairman of the Committee on Rules, Calendar, Privileged Business and Ethics be authorized to meet with the Secretary of the Senate to develop an implementation of a plan calculated to show on the Calendar information, which may be included following every bill on the Calendar with reference to companion measures, if any, and the status of such companion measures. The motion was adopted.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Bishop, by two-thirds vote, House Bills 1600 and 1365 were withdrawn from the Committee on Agriculture and placed on the Calendar.

On motion by Senator Bishop, by two-thirds vote, HB 1598 was withdrawn from the Committees on Agriculture and Ways and Means and placed on the Calendar.

On motion by Senator Hollahan, by two-thirds vote, the Committee on Rules, Calendar, Privileged Business and Ethics was granted permission to consider HB 1260 at the scheduled meeting this day.

Pursuant to Rule 4.14, Senator Karl gave notice of intention to request consent to take up HB 1821 out of order.

On motion by Senator Horne, by two-thirds vote, HB 2 was withdrawn from the Committee on Personnel, Retirement and Claims and placed on the Calendar.

On motion by Senator Horne, unanimous consent was obtained to take up out of order—

HB 2—A bill to be entitled An act relating to the Florida highway patrol, disability pensions; amending section 321.20 (2), Florida Statutes, to provide an alternate method of determining total disability pensions; providing an effective date.

On motion by Senator Horne, by two-thirds vote, HB 2 was read the second time by title.

On motion by Senator Horne the following amendment was adopted:

On page 2, lines 12 and 13, strike after Section 2 and insert: Members in the nation's armed services, who return to service with the Florida highway patrol shall be given full service credit for such time; providing that a contribution be made not to exceed five (5) years into the highway patrol pension trust fund in an amount equal to that which would have been contributed had such remained in the service of the patrol.

Section 3. This act shall take effect September 1, 1971.

On motion by Senator Horne, by two-thirds vote, HB 2 as amended was read the third time by title, passed and certified to the House. The vote was: Yeas—40 Nays—None

Mr. President	de la Parte	Karl	Poston
Arnold	Ducker	Knopke	Reuter
Barron	Graham	Lane	Saunders
Barrow	Gunter	Lewis (33rd)	Sayler
Beaufort	Haverfield	Lewis (43rd)	Stolzenburg
Bell	Henderson	McClain	Trask
Boyd	Hollahan	Myers	Ware
Brantley	Horne	Ott	Weber
Childers	Johnson (29th)	Plante	Weissenborn
Daniel	Johnson (34th)	Pope	Wilson

By unanimous consent Senator Thomas changed his vote from yea to nay.

MESSAGES FROM THE GOVERNOR

The Governor advised that on May 25 he had filed with the Office of the Secretary of State Senate Bills 174, 177, 424, 544, 546, 552, 1008, 1009, 1019 and CS for SB 284 which he had approved.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Jerry Thomas
President of the Senate

May 21, 1971

Sir:

I am directed to inform the Senate that the House of Representatives has passed with amendment—

By Senator Graham—

SB 676—A bill to be entitled An act relating to personnel of the school system; amending §228.041(12), Florida Statutes, to include professional administrative assistants to the principal in the category of administrative personnel; providing an effective date.

Which amendment reads as follows:

On page 1, line 20, immediately after the word "or" insert the following: to

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

On motion by Senator Graham, the Senate concurred in the House amendment to SB 676.

SB 676 passed as amended, was ordered engrossed and the action of the Senate was certified to the House. The vote was:

Yeas—37

Mr. President	Fincher	Lane	Sayler
Arnold	Graham	Lewis (33rd)	Stolzenburg
Barron	Gunter	Lewis (43rd)	Trask
Beaufort	Haverfield	Myers	Ware
Bell	Henderson	Ott	Weber
Bishop	Hollahan	Plante	Weissenborn
Boyd	Horne	Pope	Wilson
Broxson	Johnson (29th)	Poston	
Daniel	Johnson (34th)	Reuter	
Ducker	Knopke	Saunders	

Nays—1

Childers

By unanimous consent Senator McClain was recorded as voting yea.

The following Conference Committee report was read:

CONFERENCE COMMITTEE REPORT ON CS FOR HB 377

The Honorable Jerry Thomas
President of the Senate

Tallahassee, Florida
May 19th, 1971

The Honorable Richard A. Pettigrew
Speaker, House of Representatives

Sirs:

Your conference committee on the disagreeing votes of the two houses on the Senate amendments to CS for House Bill 377, same being—

A bill to be entitled An act relating to physicians; creating Section 458.135, Florida Statutes, to provide for a physician's assistant program; providing definitions; providing an advisory council; providing for regulations and for development and review of curricula; providing for the establishment of standards by board of medical examiners; providing a ratio of assistants to physicians; providing for an annual report by the board to the legislature; providing a schedule of fees and a penalty; providing an effective date.

—having met, and after full and free conference, have agreed to recommend, and do recommend to their respective Houses as follows:

1. That the Senate amendments to the House Bill, as amended by this report, be adopted;
2. That the Senate and House of Representatives adopt the Conference Committee amendments to the Senate amendments which now results in a Conference Committee substitute for CS for House Bill 377, attached hereto and by reference made a part of this report.

Kenneth M. Myers
David C. Lane
Philip D. Lewis
David H. McClain

Managers on the Part
of the Senate

F. Eugene Tubbs
Richard S. Hodes
Ted Randell
James J. Reeves

Managers on the part of the
House of Representatives

CCS for CS for HB 377—A bill to be entitled An act relating to the public health; amending the medical practice act, chapter 458, Florida Statutes, by adding a new section to provide a framework for the development of a new category of health manpower—the physician's assistant; establishing legislative findings and statement of purposes; providing definitions; providing for performance of certain medical services by physician's assistants or trainees in approved programs under certain circumstances; providing for issuance of certificates of approval for physician's assistant training programs and setting forth guidelines for determining such approval; providing a procedure for applications by physicians to supervise physician's assistants; providing for a report to the legislature by the board of medical examiners; establishing certain application and renewal fees for supervisory physicians and for training programs; providing for adoption of rules and regulations by the board; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Chapter 458, Florida Statutes, is amended by adding a new section to read:

458.135 Physician's Assistants.—

(1) **Legislative intent.**—In its concern with the growing shortage and geographic maldistribution of health care services in Florida, the legislature intends to establish in this section a framework for development of a new category of health manpower—the physician's assistant.

The purpose of this section is to encourage the more effective utilization of the skills of physicians by enabling them to delegate health care tasks to qualified physician's assistants where such delegation is consistent with the patient's health and welfare.

In order that maximum skills may be obtained within a minimum time period of education, the physician's assistant shall be specialized to the extent that he can operate efficiently and effectively in the specialty areas in which he has been trained or is experienced.

This section is established to encourage the utilization of physician's assistants by physicians and to allow for innovative development of programs for the education of physician's assistants.

(2) **Definitions.**—As used in this section:

(a) "Board" means the Board of Medical Examiners of the state of Florida.

(b) "Approved program" means a program for the education of physician's assistants which has been formally approved by the board.

(c) "Trainee" means a person who is currently enrolled in an approved program.

(d) "Physician's assistant" means a person who is a graduate of an approved program or its equivalent and is approved by the board to perform medical services under the supervision of a physician or group of physicians approved by the board to supervise such assistant.

(e) "Supervision" means responsible supervision and control, with the licensed physician assuming legal liability for the services rendered by the physician's assistant. Except in cases of emergency, supervision shall require the easy availability or physical presence of the licensed physician for consultation and direction of the actions of the physician's assistant. The board of medical examiners shall further establish rules and regulations as to what constitutes responsible supervision of the physician's assistant.

(3) Notwithstanding any other provision of law, a physician's assistant may perform medical services when such services are rendered under the supervision of a licensed physician or group of physicians approved by the board, in the specialty area or areas for which the physician's assistant is trained or experienced. Any physician's assistant certified under this act to perform services, may perform those services only in the office of the physician to whom the physician's assistant has been assigned, where such physician maintains his primary practice, or only when the physician to whom he is assigned is present, or in a hospital where the physician to whom he is assigned is a member of the staff, or on calls outside said office on the direct order of the physician to whom he is assigned.

(4) Notwithstanding any other provision of law, a trainee may perform medical services when such services are rendered within the scope of an approved program.

(5) (a) The board shall issue certificates of approval for programs for the education and training of physician's assistants which meet board standards. Such educational programs shall include provision for continuing educational requirements established by the board. Any basic program curricula approved by the board shall cover a period of twenty-four months.

(b) In developing criteria for program approval the board shall give consideration to, and encourage, the utilization of equivalency and proficiency testing and other mechanisms whereby full credit is given to trainees for past education and experience in health fields.

(c) The board shall create groups of specialty classifications of training for physician's assistants. These classifications will reflect the training and experience of the physician's assistant. The physician's assistant may receive training in one or more such classifications which shall be shown on the certificate issue.

(d) The board shall adopt and publish standards to insure that such programs operate in a manner which does not endanger the health and welfare of the patients who receive services within the scope of the program. The board shall review the quality of the curriculum, faculty, and facilities of such programs, issue certificates of approval, and take whatever other action is necessary to determine that the purposes of this section are being met.

(6) The board shall formulate guidelines for the consideration of applications by a licensed physician or physicians to supervise physician's assistants. Each application made by a physician or physicians shall include all of the following:

(a) The qualifications, including related experience of the physician's assistant intended to be employed.

(b) The professional background and specialty of the physician or physicians.

(c) A description by the physician of his, or physicians of their, practice, and the way in which the assistant or assistants are to be utilized.

The board shall approve an application by a licensed physician to supervise a physician's assistant where the board is satisfied that the proposed assistant is a graduate of an approved program or its equivalent, is fully qualified by reason of experience and education to perform medical services under the responsible supervision of a licensed physician, and the public will be adequately protected by the arrangement proposed in the application.

(d) The board shall certify no more than two (2) physician's assistants for any physician practicing alone; four (4) physician's assistants for two (2) physicians practicing together formally or informally; a ratio of two (2) physician's assistants to three (3) physicians in any group of physicians practicing together formally or informally.

(7) Any person other than one who has been approved by the board who holds himself out as a "physician's assistant", or who uses any other term indicating or implying that he is a physician's assistant, is guilty of a felony punishable by imprisonment for a period not to exceed eighteen (18) months or by fine not to exceed five thousand dollars (\$5,000) or by both such fine and imprisonment.

(8) The board shall report to the legislature no later than March 15th, 1973, and annually thereafter, as to:

(a) The number and types of programs which have been approved and a description of each.

(b) The number of physician's assistants who have been approved for supervision under this section.

(c) An evaluation of the programs and the acceptance of them by the community.

(d) Background concerning the number of physicians supervising assistants, their specialties, and the counties in which they practice.

(e) The scope of practice of approved physician's assistants.

(f) Such other information as would be useful to the legislature in evaluating the physician's assistant program for either expanding or discontinuing the program.

(9) The board may revoke the certificate of approval to supervise a physician's assistant held by any physician when, in its judgment, the intent of this act is not being carried out.

(10) The board shall adopt rules and regulations necessary for the administration of the physician's assistant program, and such rules and regulations shall be adopted in accordance with the administrative procedure act, chapter 120, Florida Statutes. The board shall adopt such rules and regulations as are necessary to insure both the continued competency of physician's assistants and the proper utilization of them by physicians or groups of physicians. Rules and regulations shall be adopted to assure that every physician's assistant performs his services under the responsible supervision and control of a physician or group of physicians.

(11) In developing criteria for program approval and approval of applications to utilize physician's assistants and in preparing its report to the legislature, the board shall consult with and seek the advice of professional medical organizations and appropriate specialty representatives. The report shall contain the doctor-patient ratio as related to the several counties and the counties such physician's assistants are being utilized.

(12) (a) A fee of fifty dollars (\$50) shall accompany the annual application to the board by a physician or group of physicians for authorization to supervise a physician's assistant.

(b) A fee of five hundred dollars (\$500) shall be paid for certification by the board of an approved physician's assistant program and for renewal of such certification every three (3) years.

(c) Upon approval by the board of an application for certification of a physician's assistant in a specialty area, the applicant shall be charged a fee of twenty-five dollars (\$25), and a fee of fifteen dollars (\$15) shall accompany each yearly application for renewal of the physician's assistant certificate.

(13) Nothing in this act shall be construed to eliminate or supersede existing laws relating to other paramedical professions or services. It is the intent of this act to supplement and be in addition to all such existing programs relating to the certification and practice of paramedical professions, as may be authorized by law.

(14) All physicians or physician groups utilizing physician's assistants shall be liable for any acts or omissions of physician's assistants while acting under their supervision and control.

Section 1A. Subsection (8) of section 458.135, Florida Statutes, as published in section 1 of this act, is created to read:

458.135 Physician's assistant program.—

(8) Penalties.—Any person who has not been approved by the board and who holds himself out as a physician's assistant or who uses any other term in indicating or implying that he

is a physician's assistant is guilty of a felony of the third degree, punishable as provided in sections 775.082 or 775.084, or by fine not exceeding five thousand dollars (\$5,000).

Section 1B. In the event HB 935, introduced in the 1971 regular session of the legislature, is enacted into law, subsection (7) of section 458.135, Florida Statutes, as published in section 1 of this act will stand repealed and be omitted from the Florida Statutes. In the event HB 935 is not enacted into law, section 1A of this act will stand repealed and be omitted from the Florida Statutes.

Section 2. Effective date.—This act shall take effect July 1, 1971.

On motion by Senator Myers, the rules were waived, the Conference Committee report was read the second time and accepted as an entirety.

On motion by Senator Myers, the Conference Committee Substitute for CS for HB 377 was read the first time by title.

On motions by Senator Myers, by two-thirds vote, the Conference Committee Substitute for CS for HB 377 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote was:

Yeas—38

Mr. President	Ducker	Karl	Poston
Arnold	Fincher	Knopke	Reuter
Beaufort	Graham	Lane	Saunders
Bell	Gunter	Lewis (33rd)	Saylor
Bishop	Haverfield	Lewis (43rd)	Ware
Boyd	Henderson	McClain	Weber
Brantley	Hollahan	Myers	Weissenborn
Childers	Horne	Ott	Wilson
Daniel	Johnson (29th)	Plante	
Deeb	Johnson (34th)	Pope	

Nays—1

Stolzenburg

The Honorable Jerry Thomas
President of the Senate

May 24, 1971

Sir:

I am directed to inform the Senate that the House of Representatives has passed with amendments—

By Senator Horne and others—

SB 625—A bill to be entitled An act relating to limitation of actions; amending section 95.11 (6), Florida Statutes, to provide that actions to recover damages for injuries to the person arising out of any medical, dental, chiropractic or surgical treatment or operation must be brought within two (2) years; providing an effective date.

Amendment 1—

On page 1, lines 27—31, strike all of lines 27 through 31 and insert the following: *person arising from any medical, dental, optometric, podiatric or chiropractic treatment or surgical operation.*

Amendment 2—

In title, line 9, strike "or" and insert the following: *podiatric, optometric or*

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

On motions by Senator Horne, the Senate refused to concur in the House amendments to SB 625, and the House was requested to recede therefrom. The action of the Senate was certified to the House immediately, by waiver of the rules.

MATTERS ON RECONSIDERATION

The motion by Senator Weissenborn on May 24 to reconsider the vote by which—

HB 668—A bill to be entitled An act relating to hotels and restaurants; amending §§509.091, 509.211 (6) (f) and (7), 509.221(3), 509.241(2)(a), (3) and (4), and 509.292; deleting obsolete references to the hotel commissioner and deputy hotel commissioner; deleting obsolete reference to the code of national fire underwriters; providing for the use of green lights at fire escape openings; deleting obsolete screen requirements; deleting language relating to food service establishments; stating that licenses are not transferable from one place or individual to another; deleting the license application grace period; including misrepresentation of oleomargarine, fruit and fruit juice under existing penalty provision for misrepresenting seafood and seafood products; repealing §509.231 relating to notice for butter substitutes; and providing an effective date.

—as amended passed on May 21, was taken up and adopted; and the Senate reconsidered the vote.

On motion by Senator Weissenborn the following amendment was adopted by two-thirds vote:

On page 6, line 28, section 7, add a new Section 7 to read:

Section 7. Section 509.303, Florida Statutes is created to read:

509.303 Enforcement of certain fire safety regulations.—

(1) This section shall be applicable to all public lodgings of two or more stories as herein specified without regard to classification of types of public housing for licensing purposes.

(2) Fire safety regulations for "institutional occupancies" as defined in pamphlet 101 (Life Safety Code Standards, 1970 edition) of the National Fire Protection Association, shall apply in all public lodgings of two or more stories used for the lodging or boarding of four (4) or more persons who are incapable of self preservation, except that the state fire marshal shall have the authority to waive or set time extensions for those requirements the application of which, in his judgement, would be clearly impractical and where a reasonable degree of life safety is not involved.

(3) "Incapable of self preservation" shall mean, when used in this section, persons who, by reason of advanced age or decline in health, or because of physical infirmity or mental impairment are incapacitated to the extent of being incapable of independent living.

(4) The state fire marshal, with the cooperation of the division of hotels and restaurants, shall determine what public lodgings are covered by this section and the enforcement of the fire regulations prescribed herein, including inspection of public lodges shall be effectuated by the division of hotels and restaurants and the division of the state fire marshal. Compliance herewith by all public lodgings determined to be governed hereunder shall be a condition for licensing by the division of hotels and restaurants.

(5) Representatives of the Division of hotels and restaurants and the division of the state fire marshal may, at any reasonable hour, enter any building or premises for the purposes of making any inspection or investigation which they deem necessary in order to carry out the provisions of this section.

Renumber remaining sections.

On motion by Senator Weissenborn the following amendment was adopted:

In title, line 22 thereof, after "substitutes" insert: creating 509.303, Florida Statutes, providing that fire safety regulations for institutional occupancy, as defined in pamphlet 101 (Life Safety Code, Standards, 1970 edition) of The National Fire Protection Association shall apply to all public lodgings of two or more stories that are inhabited by four (4) or more persons incapable of self-preservation; providing for inspection and enforcement by the division of hotels and restaurants and the division of the state fire marshal; providing for waiver and extension of time with reference to compliance with fire reg-

ulations; requiring division of state fire marshal to determine applicability of section to public lodgings; providing that compliance herewith is a condition for licensing of all public lodgings governed hereunder, providing for an appropriation;

On motion by Senator Weissenborn, HB 668 as further amended was read by title, passed and certified to the House. The vote was:

Yeas—34

Mr. President	Daniel	Knopke	Reuter
Arnold	de la Parte	Lane	Saunders
Barrow	Graham	Lewis (43rd)	Scarborough
Beaufort	Gunter	McClain	Stolzenburg
Bell	Haverfield	Myers	Trask
Bishop	Henderson	Ott	Weissenborn
Boyd	Johnson (29th)	Plante	Wilson
Brantley	Johnson (34th)	Pope	
Broxson	Karl	Poston	

Nays—5

Childers	Lewis (33rd)	Saylor	Ware
Ducker			

UNFINISHED BUSINESS

CS for SB 921—A bill to be entitled An act relating to district school taxation; amending section 236.25, Florida Statutes, as amended by chapter 70-401, Laws of Florida, to authorize district school boards to levy a district school tax of ten (10) mills and authorizing additional necessary millage for specified purposes, and such millage as may be authorized by a vote of the electors; approving, ratifying and confirming all ad valorem taxes levied or collected for the support of public schools prior to the effective date hereof; repealing the statutory form of Article XII, Section 8 of the Constitution of 1885; repealing Section 236.251, Florida Statutes, as amended by section 8 of chapter 70-94, Laws of Florida; providing a severability clause; providing an effective date.

Was taken up with a pending amendment by Senator Scarborough which was withdrawn.

On motion by Senator Broxson, CS for SB 921 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—38

Mr. President	de la Parte	Karl	Reuter
Arnold	Ducker	Knopke	Saunders
Barrow	Fincher	Lane	Saylor
Beaufort	Graham	Lewis (33rd)	Scarborough
Bell	Gunter	Lewis (43rd)	Stolzenburg
Bishop	Haverfield	McClain	Trask
Boyd	Henderson	Myers	Ware
Broxson	Horne	Ott	Wilson
Childers	Johnson (29th)	Plante	
Daniel	Johnson (34th)	Poston	

Nays—2

Brantley	Pope
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Notice having been given pursuant to Rule 4.14, on motion by Senator Karl, unanimous consent was obtained to take up out of order—

HB.1821—A bill to be entitled An act relating to private passenger motor vehicle insurance or security; providing definitions; requiring motor vehicle no-fault reparation insurance and liability insurance up to certain limits and limiting tort liability; providing for approval of such policies by the department of insurance; providing that proof of security and financial responsibility by an owner or operator of a motor vehicle involved in an accident must be shown as a prerequisite to ownership, registration, licensing, and operation of motor

vehicles in this state and providing that failure to provide proof of such security shall result in revocation of registration and license; providing for payment of certain specified benefits and that same are due when loss accrues; providing for priority of payment of benefits; providing for tort exemptions and limitation on damages; providing no-fault property protection; providing for certain deductibles; providing that the department shall adopt rules and regulations necessary to implement this act; providing that insurers file proposed manual, rules, rates and rating plans with the department for approval; providing that insurers shall adopt a rate more than fifteen per cent (15%) below the rates in effect as of the effective date of this act; providing for severability; providing an effective date.

Which was read the second time by title.

The Committee on Commerce offered the following amendment which was moved by Senator Karl:

On page 2, line 2, strike everything after the enacting clause and insert:

Section 1. Part X of chapter 627, Florida Statutes, is amended by adding section 627.0861, Florida Statutes, to read:

627.0861 Automobile liability insurance; immediate payment under medical and disability benefits coverage.—

(1) On and after November 1, 1971, no insurer shall deliver or issue for delivery in this state any individual liability insurance policy covering liability arising out of the ownership, maintenance, or use of any motor vehicle registered or principally garaged in this state unless coverage is provided in such policy, or supplemental thereto, for benefits and in amounts not less than as follows:

(a) Medical and hospital benefits.—All reasonable and necessary expenses for medical, diagnostic, hospital, dental, surgical, and ambulance services and for drugs and prosthetic devices incurred within not less than one year after a covered automobile accident and for up to two thousand dollars (\$2,000) per individual injured in the accident.

(b) Funeral, burial or cremation benefits.—All reasonable funeral, burial or cremation expenses incurred within a period of not less than one year from and after the date of the accident, in the amount of not less than the lesser of the actual expense incurred or two thousand dollars (\$2,000) per individual.

(c) Disability benefits.—Eighty-five percent (85%) of the loss of earning capacity during a period commencing seven (7) days after the date of the accident and not exceeding fifty-two (52) weeks, but subject to a maximum payment of one hundred twenty-five dollars (\$125) per week, per individual. In the case of an unemployed individual, such benefits shall consist of expenses not exceeding twelve dollars (\$12.00) per day, per individual, for essential services in lieu of those the injured individual would have performed without income during a period commencing one week after the date of the accident and not exceeding fifty-two (52) weeks. Benefits under this subdivision (c) shall be computed from the date of the accident upon which such benefits are based and shall be paid retroactively to the date of the accident.

(2) A coverage required by this section may exclude benefits to any injured individual covered under the policy where such individual's conduct contributed to the injury sustained in any of the following ways:

(a) Causing injury to himself intentionally.

(b) Participation in the theft of the motor vehicle involved.

(c) Operating a motor vehicle in any prearranged speed contest.

(d) Attempting to elude lawful apprehension or arrest by a law enforcement officer.

(e) Operating a motor vehicle in violation of §§317.201 or 186.9978 Florida Statutes.

(3) The coverage required by this section shall extend to the owner of an insured motor vehicle, to members of the owner's family residing in the owner's household, to any individual operating the insured motor vehicle with the ex-

press or implied consent of an insured, to an individual injured in a motor vehicle accident while a passenger in the insured motor vehicle, and to any individual who is an insured under the policy, while such individual is a pedestrian or bicyclist and is injured by any motor vehicle.

(4) The named insured shall have the right to reject inclusion of the coverage in the policy after the same has been offered to him. Any such rejection shall be in writing signed by the named insured and in such form and terms as has been filed with and theretofore approved by the commissioner as being reasonable and consistent with section 627.0861. The insurer shall retain the signed rejection in its files.

(5) The insurer shall provide reasonable procedure under which it shall make payments of such benefits currently as at date the same accrue, in periodic or other appropriate installments or in full, commencing as immediately as is practicable after the insurer has received notice of the occurrence of such accident and reasonable evidence of the existence and the amount of loss.

(6) "Insurance" as used in this section means a policy of automobile liability insurance delivered or issued for delivery in the state by an authorized insurer.

(a) Insuring a natural person as named insured or one or more related individuals resident of the same household, and

(b) Insuring a private passenger motor vehicle not used as a public or livery conveyance for passengers or rented to others; or insuring any other four-wheel motor vehicle having a load capacity of fifteen hundred (1500) pounds or less which is not used in the occupation, profession or business of the insured other than farming.

(7) This section shall be liberally construed to effect its intended purpose to mitigate the financial distress of persons involved in automobile accidents, by providing immediate financial assistance in a payment of the cost of hospital and medical care or funeral expense or loss of income due to injury received in a motor vehicle accident.

(8) The insurer shall be entitled to subrogation with respect to any payment made under the provisions of this section. Such subrogation shall be limited to the amount paid under the provisions of this section, but may receive credit therefor upon any other payment for the same loss otherwise required to be made under any other provision of the policy.

(9) Nothing contained in this section shall in any way affect any existing or future causes of action, or limit an insured's right to recover, for damages sustained in an automobile accident.

Section 2. Chapter 627, Florida Statutes, is amended by adding a new Part XVI, Florida Statutes, to read:

Part XVI Private Passenger Motor Vehicle Insurance.

627.2001 Short Title.—Part XVI of this chapter shall be referred to as the "Private Passenger Motor Vehicle Insurance Rating Law".

627.2002 Scope.—Part XVI of this chapter shall apply only to insurance on vehicles hereinafter defined as "Private Passenger Motor Vehicles".

627.2003 Purpose.—It is the purpose of this part to protect policyholders and the public against the adverse effects of excessive, inadequate or unfairly discriminatory insurance rates, and to encourage independent action by and reasonable price competition among insurers on a sound financial basis.

627.2004 Definitions.—

(1) "Motor vehicle insurance".—For the purposes of this part "motor vehicle insurance" means a policy of automobile or motor vehicle insurance delivered or issued for delivery in this state by an authorized insurer:

(a) Insuring a natural person as named insured or one or more related individuals resident of the same household, or both; and

(b) Insuring a motor vehicle of the private passenger or station wagon type which is not used as public or livery conveyance for passengers or rented to others; or insuring any other four-wheeled motor vehicle having a load capacity of

fifteen hundred pounds or less which is not used in the occupation, profession, or business of the insured other than farming; and

(c) Other than any policy:

1. Issued under an automobile insurance assigned risk plan; or
2. Insuring more than four automobiles; or
3. Covering garage, automobile sales agency, repair shop, service station, or public parking place operation hazards.

(2) "Rate" means the unit charge by which the measure of exposure or the amount of insurance specified in a policy of insurance or covered thereunder is multiplied to determine the premium.

(3) "Premium" means the consideration paid or to be paid to an insurer for the issuance and delivery of any binder or policy of insurance.

(4) "Competition" means price competition.

(5) "Rating Organization" means any organization, whether located within or outside this state, with the object or purpose of making private passenger motor vehicle rates. A single insurer or group of insurers under common ownership, management or control shall not be construed to be a rating organization. It is, however, the intent of the legislature to prohibit single insurers or group of insurers from being members or subscribers of a rating organization with respect to rates subject to this part.

(6) "Service Organization" means any organization within and outside the state which performs such professional consultative services with respect to private passenger motor vehicle insurance as the following:

(a) Development and interpretation of statistics, experience and market data;

(b) Development of territories, classifications, and rate indications;

(c) Preparation of policy forms;

(d) Conduct surveys, inspections, research;

(e) Development of manual rules; and

(f) Printing and distribution of forms, rules, and manuals to an insurer's agents and personnel.

(7) "Willful" or "willfully" in relation to an act or omission which constitutes a violation of this part means with actual knowledge or belief that such act or omission constitutes such violation and with specific intent nevertheless to commit such act or omission.

627.2005 Rate Standards.—

(1) The rates subject to the provisions of this part shall not be excessive, inadequate, or unfairly discriminatory.

(2) No rate shall be held to be excessive unless:

(a) Such rate is unreasonably high for the insurance provided; and

(b) A reasonable degree of competition does not exist at the consumer level with respect to the class of business to which the rate is applicable.

(3) No rate shall be held to be inadequate unless:

(a) The rate is unreasonably low for the insurance provided; and

(b) The continued use of the rate endangers the solvency of the insurer using the same; or unless

(c) The rate is unreasonably low for the insurance provided and the use of the rate by the insurer using the same has, or if continued will have, the effect of destroying competition or of creating a monopoly.

(4) Nothing contained in this section or elsewhere in this part shall be construed to repeal or modify the provisions of §§626.0600 through 626.0632, relating to unfair trade practices, and any rate, rating classification, rating plan or schedule, or variation thereof established in violation of said sections

shall, in addition to the consequences stated in said sections or elsewhere, be deemed a violation of this section.

627.2006 Making and Use of Rates.—

(1) The following factors shall be used in the determination and fixing of rates:

(a) Past and prospective loss experience within and outside this state;

(b) The catastrophe hazard;

(c) A reasonable margin for underwriting profit and contingencies;

(d) Dividends, savings or unabsorbed premium deposits allowed or returned by insurers to their policyholders, members or subscribers;

(e) Investment income on unearned premium reserves and loss reserves;

(f) Past and prospective expense both countrywide and those specifically applicable to this state; and

(g) All other relevant factors, including judgment factors, within and outside this state.

(2) The systems of expense provisions included in the rates for use by an insurer or group of insurers may differ from those of other insurers or groups of insurers to reflect the requirements of the operating methods of any such insurer or group with respect to insurance covered by this part or with respect to any subdivision or combination thereof for which subdivision or combination separate expense provisions are applicable.

(3) Risks may be grouped by classifications for the establishment of rates and minimum premiums. Classification rates may be modified to produce rates for individual risks in accordance with rating plans which establish standards for measuring variations in hazards or expense provisions or both. Such standards may measure any difference among risks that can be demonstrated to have a probable effect upon losses or expenses. Such classifications and modifications shall apply to all risks under the same or substantially the same circumstances or conditions.

627.2007 Excess Rates.—With written consent of the insured filed with the insurer, a rate in excess of that otherwise applicable may be used on any specific risk.

627.2008 Service Organizations.—

(1) No service organization shall conduct its operations in this state unless and until it has filed with the department an application for a license, together with the following, and any subsequent changes therein:

(a) A copy of its constitution, articles of incorporation, articles of agreement or of association, and bylaws or rules and regulations governing its activities, all duly certified by the custodian of the originals thereof;

(b) A list of insurers using its services; and

(c) The name and address of a resident of this state upon whom notices or orders of the department or process may be served; and

(d) A statement of its qualifications as a service organization.

(2) No such service organization shall engage in any unfair or unreasonable practice with respect to its activities.

(3) An organization licensed under the provisions of section 627.221 or which complies with section 627.301, Florida Statutes, may be licensed as a service organization under this part so long as its permitted functions hereunder are conducted strictly in accordance with the requirements of this part with respect to motor vehicle insurance as defined in section 627.2004(1). Insurers affiliated with a service organization under this part and insurers affiliated with a rating organization under section 627.221 or an advisory organization under section 627.301, which is licensed to act as a service organization under this part are expressly prohibited from participating in the deliberations or decisions of such organizations with respect

to the making of private passenger motor vehicle insurance rate indications under this part."

(4) If the department finds that the organization is competent, trustworthy and otherwise qualified to act as a service organization and that its constitution, articles of agreement or association or certificate of incorporation, and its bylaws, rules and regulations governing the conduct of its business conform to the requirements of law, it shall issue a license to it. Every such application shall be granted or denied in whole or in part by the department within sixty days of the date of its filing with it.

(5) Licenses issued pursuant to this section shall expire on the September 30 next following date of issuance, and shall be subject to annual renewal.

(6) The fee for the license shall be in the amount specified therefor in §624.0300 (filing, license, and miscellaneous fees). This fee when collected shall be deposited to the credit of the insurance commissioner's regulatory trust fund.

(7) Licenses issued pursuant to this section may be suspended or revoked by the department, after hearing upon notice, in the event the service organization ceases to meet the requirements of this section.

(8) Service organizations shall be required to furnish their services at reasonable cost. While service organizations may file rates for use in other states, they shall not do so in this state. Each individual insurer shall file its own rates with the department of insurance of this state as required herein.

(9) Notwithstanding any other provisions of this part, insurers shall not, with respect to their business in this state, participate directly or indirectly in the deliberations or decisions of service organizations in the making of rate indications affecting the insurance subject to this part.

627.2009 Joint Underwriters and Joint Reinsurers.—

(1) Every group, association or other organization of insurers which engages in joint underwriting or joint reinsurance, shall be subject to regulation with respect thereto as herein provided, subject, however, with respect to joint underwriting, to all other provisions of this chapter except section 627.2010, and, with respect to joint reinsurance, to §§624.15 (general penalty) and 627.321 (examinations) of this code.

(2) If, after a hearing, the department finds that any activity or practice of any such group, association or other organization is unfair or unreasonable or otherwise inconsistent with the provisions of this chapter, it may issue a written order specifying in what respects such activity or practice is unfair or unreasonable or otherwise inconsistent with the provisions of this chapter, and requiring the discontinuance of such activity or practice.

627.2010 Anti-Competitive Practices.—

(1) The following acts or actions in concert as to insurance subject to this part by an insurer shall constitute anti-competitive practices:

(a) Monopolizing, or attempting to monopolize, or combining or conspiring with any other person to monopolize, the business of insurance;

(b) Agreeing with any other insurer or person, the intent of which is to unreasonably restrain trade in the business of insurance;

(c) Agreeing with any other insurer to be bound to charge or to adhere to any rate;

(d) Making an agreement with any other insurer or person, the effect of which is substantially to lessen competition in the business of insurance;

(e) Agreeing with any other insurer to refuse to deal with any person in connection with the sale of insurance;

(f) Interfering with the right of any insurer to make its rates independently;

(g) Participating in decisions of service organizations with respect to the making of rate indications under this part.

(2) This section shall not be applicable to joint underwriting or joint reinsurance or to agreements among insurers and their

affiliated organizations under common ownership, management or control, or be construed to prohibit or interfere with the operation of risk apportionment plans or pools.

(3) Members and subscribers of a service organization may use the rates, rating systems, underwriting rules or policy forms of such organizations, either consistently or intermittently, but except as provided in subsection (2) of this section, shall not agree with each other or service organization or others to adhere thereto. The fact that two (2) or more authorized insurers, whether or not members or subscribers of a service organization, use, either consistently or intermittently, the rates or rating systems made or adopted by a service organization, or the underwriting rules or policy or bond forms prepared by a service organization, shall not be sufficient in itself to support a finding that an agreement to so adhere exists, and may be used only for the purpose of supplementing or explaining direct evidence of the existence of any such agreement.

627.2011 Records.—

(1) Every insurer, service organization, and every group, association or other organization of insurers which engages in joint underwriting or joint reinsurance shall maintain reasonable records, of the type and kind reasonably adapted to its method of operation, of its experience or the experience of its members and of the data, statistics or information collected or used by it in connection with the rates, rating systems, underwriting rules, policy forms, surveys or inspections made or used by it, so that such records will be available at all reasonable times to enable the department to determine whether such organization, insurer group or association, and, in the case of an insurer, every rate, rating plan and rating system made or used by it, complies with the provisions of this part applicable to it. Such records shall be maintained in an office within this state or shall be made available for examination or inspection within this state by the department at any time upon reasonable notice.

(2) In addition to, or in lieu of, any other penalty therefor, for each failure to maintain the records as required hereunder, the department may impose upon the person so failing the penalty prescribed by §627.2016(1).

627.2012 Examinations.—

(1) As often as it deems necessary, and not less frequently than each three years, the department shall examine each licensed service organization, each group, association or other organization of insurers which engages in joint underwriting or joint reinsurance, and each authorized insurer transacting in this state any class of insurance to which the provisions of this part are applicable. The examination shall be for the purpose of ascertaining compliance by the person examined with the applicable provisions of this part. As to insurers, no such examination requirement shall be satisfied by the periodic examination of the insurer's general affairs.

(2) In lieu of any such examination, the department may accept the report of a similar examination made by the insurance supervisory official of another state.

(3) The reasonable cost of the examination shall be paid by the person examined, and such person shall be subject, as though an "insurer", to the provisions of §624.0119 (examination expense).

(4) Such examinations shall also be subject to the applicable provisions of §§624.0117 (conduct of examinations), 624.0118 (examination reports), 624.0120 (witnesses and evidence), 624.0121 (testimony compelled; immunity from prosecution), and 624.0122 (same; penalty for refusal to testify).

(5) The department at any time upon good cause may hold a public hearing on any private passenger motor vehicle insurance rate charged by any insurer. At such hearing the insurer shall have the duty to show by a preponderance of the evidence that such rate complies with the provisions of this chapter. The notice and hearing procedures provided in section 627.371, Florida Statutes, shall be applicable hereto.

627.2013 Recording and Reporting of Loss and Expense Experience.—

(1) The department shall promulgate and may modify reasonable rules and statistical plans, reasonably adapted to each of

the rating systems used, which shall thereafter be used by each insurer in the recording and reporting of its loss and country-wide expense experience, in order that the experience of all insurers may be made available at least annually in such form and detail as may be necessary to aid the department in determining whether rates comply with the applicable standards of this part. Such rules and plans may also provide for the recording and reporting of expense experience items which are specially applicable to this state and are not susceptible of determination by a prorating of country-wide expense experience.

(2) In promulgating such rules and plans, the department shall give due consideration to the rating systems in use in this state and, in order that such rules and plans may be as uniform as is practicable among the several states, to the rules and to the form of the plans used for such rating systems in other states. No insurer shall be required to record or report its loss experience on a classification basis that is inconsistent with the rating system used by it.

(3) The department may designate one or more service organizations or other agencies to assist it in gathering such experience and making compilations thereof, and such compilations shall be made available, subject to reasonable rules promulgated by the department, to insurers and service organizations.

(4) The department shall require insurers to furnish it with a copy of their rates, rating schedules, and rating manuals which are in effect, and a copy of any changes in such rates, rating schedules, and rating manuals, as soon as practicable following their effective date, but in no event later than thirty days thereafter. All such information shall be available for public inspection, upon receipt by the department, during usual business hours.

627.2014 False or Misleading Information.—No person shall willfully withhold information from or knowingly give false or misleading information to the department, any statistical agency designated by the department, any service organization, or any insurer, which will affect rates or premiums. A violation of this section shall subject the one guilty of such violation to the penalties provided in §624.15 of this code.

627.2015 Hearings.—

(1) Any person aggrieved by any rate charged, rating plan, rating system, or underwriting rule used by an insurer may himself or by his authorized representative make written request of the insurer to review the manner in which the rate, plan, system, or rule has been applied with respect to insurance afforded him. If the request is not granted within thirty (30) days after it is made, the requester may treat it as rejected. Any person aggrieved by the refusal of an insurer to grant the review requested, or by the failure or refusal to grant all or part of the relief requested, may file a written complaint and request for hearing with the department, specifying the grounds relied upon. If the department has already disposed of the issue as raised by a similar complaint, it may deny the hearing. If the department believes that probable cause for the complaint does not exist or that the complaint is not made in good faith, it shall deny the hearing. Otherwise, and if it also finds that the complaint charges a violation of this chapter and that the complainant would be aggrieved if the violation is proven, it shall proceed as provided in subsection (2).

(2) If after examination of an insurer, service organization, or group, association, or other organization of insurers which engages in joint underwriting or joint reinsurance, or upon the basis of other information or upon sufficient complaint as provided in subsection (1), the department has good cause to believe that such insurer, organization, group or association, or any rate, rating plan or rating system made or used by any such insurer does not comply with the requirements and standards of this part applicable to it, or if it has good cause to believe that any insurer, organization, group or association is engaged in anti-competitive practices under section 627.2010, it shall, unless it has good cause to believe such noncompliance or anti-competitive practices is willful, give notice in writing to such insurer, organization, group or association stating therein in what manner and to what extent noncompliance or anti-competitive practice is alleged to exist and specifying therein a reasonable time, not less than ten days thereafter, in which the noncompliance or anti-competitive practice may be corrected, including, with respect to rates, rating plans, or rating systems, any premium adjustment. Notices under this section shall be

confidential as between the department and the parties unless a hearing is held under subsection (3).

(3) If the department has good cause to believe that such noncompliance or anti-competitive practice is willful or if, within the period prescribed by the department in the notice required by subsection (2), the insurer, organization, group or association does not make such changes as may be necessary to correct the noncompliance or anti-competitive practice specified by the department or establish to the satisfaction of the department that such specified noncompliance or anti-competitive practice does not exist, then the department is required to hold a public hearing in connection therewith; and within a reasonable period of time, which shall be not less than ten days before the date of such hearing, it shall mail written notice specifying the matters to be considered at such hearing to such insurer, organization, group or association. If no notice has been given as provided in subsection (2), the notice shall state in what manner and to what extent noncompliance or anti-competitive practice is alleged to exist. The hearing shall not consider any subject not specified in the notice required by subsection (2).

(4) If after a hearing pursuant to subsection (3) the department finds:

(a) That any rate, rating plan or rating system violates the applicable provisions of this part, it may issue an order to the insurer, service organization, group or association which has been the subject of the hearing specifying in what respects such violation exists and requiring compliance within a reasonable time thereafter; or

(b) That an insurer, service organization, or a group, association or other organization of insurers which engages in joint underwriting or joint reinsurance is in violation of the applicable provisions of this part other than the provisions dealing with rates, rating plans or rating systems, it may issue an order to such insurer, organization, group or association which has been the subject of the hearing specifying in what respects such violation exists and requiring compliance within a reasonable time thereafter; or

(c) That any such violation by an insurer or service organization, which has been the subject of hearing, was willful, it may suspend or revoke, in whole or in part, the certificate of authority of such insurer or the license of such service organization, with respect to the class of insurance which has been a subject of the hearing; or

(d) That any service organization has willfully engaged in any fraudulent or dishonest act or practice, it may suspend or revoke, in whole or in part, the license of such organization in addition to any other penalty provided in this part.

(e) That an insurer, service organization, or group, association, or organization of insurers engaging in joint underwriting or joint reinsurance has willfully violated the provisions of section 627.2010 (anti-competitive practices) or has failed to comply with an order issued under subsection (3) above ordering the correction of non-willful violation of section 627.2010 it may order that the rates for such insurers or organization shall be regulated in accordance with the provisions of part I applicable to workmen's compensation and employers' liability insurance. Such an order shall have a specific duration of not more than six months but may be renewed by the department after appropriate proceedings in accordance with this section.

(5) If the department has good cause to believe that a reasonable degree of competition does not exist as to any class or territory with respect to private passenger motor vehicle insurance, it may hold a public hearing in connection therewith, and within a reasonable period of time which shall be not less than ten (10) days before the date of such hearing, shall mail written notice specifying the matters to be considered at such hearing to each insurer, organization, group or association licensed for such insurance. The notice shall state in what manner and to what extent lack of competition is alleged to exist. If the department determines, after a hearing and on the basis of findings of fact and conclusions, that such competition does not exist, it shall order that the rates for such class or territory shall be regulated in accordance with the provisions of part I applicable to workmen's compensation and employers' liability insurance. Such order shall have a specified duration of not more than six months but may be renewed by the de-

partment after appropriate proceedings in accordance with this section. In determining whether a reasonable degree of competition exists, the department shall apply the following tests:

(a) The number of insurers and agents actively engaged in writing private passenger motor vehicle insurance;

(b) The existence of rate differentials in such insurance; and

(c) Whether profitability in this state from insurance subject to this part for insurers generally is unreasonably high in relation to its riskiness.

(6) Except as otherwise provided in this part, all proceedings in connection with the denial, suspension or revocation of a license or certificate of authority shall be conducted in accordance with the provisions of chapter 624 of this code, and the department shall have all the powers granted to it therein.

627.2016 Penalty for Violations.—

(1) The department may, if it finds that any person or organization has violated any provision of this part, impose a penalty of not more than two hundred fifty dollars (\$250) for each such violation, but, if it finds such violation to be willful, it may impose a penalty of not more than \$1,000 for each such violation. Such penalties may be in addition to any other penalty provided by law.

(2) The department may suspend the license or authority of any service organization or insurer which fails to comply with an order of the department within the time limited by such order, or any extension thereof which the department may grant. The department shall not suspend the license or authority of any service organization or insurer for failure to comply with an order until the time prescribed for an appeal therefrom has expired or, if an appeal has been taken, until such order has been affirmed. The department may determine when a suspension of license or authority shall become effective and it shall remain in effect for the period fixed by it, unless it modifies or rescinds such suspension, or until the order upon which such suspension is based is modified, rescinded or reversed.

(3) No penalty shall be imposed and no license or authority shall be suspended except upon a written order of the department stating its findings, made after a hearing held upon not less than ten days' written notice to such person or organization specifying the alleged violation.

627.2017 Appeals from the Department—

(1) All final rulings, orders or decisions of the department under this part shall be subject to appellate review by the District Court of Appeal, First District, in compliance with the rules of appellate procedure as prescribed by the Supreme Court of Florida. The department shall be made a party to every such appellate proceeding.

(2) When any final ruling, order or decision of the department relates to an increase or decrease of premium or rate or to a change in any rating system, the institution of appellate review shall, pending the final decision in the appellate proceedings, act as a stay of any such ruling, order or decision; provided, however, where such ruling, order or decision approves or permits a filing of an insurer it shall not act as a stay.

(3) In the event of an appeal from any final ruling, order or decision of the department relating to an increase of rate or premium, the appellant shall provide satisfaction or a bond with the court to guarantee the return of any excess rate or premium charged during the appeal period. The court may accept an appellant's own bond in the event the court is satisfied that the financial resources of the appellant are adequate.

Section 2. This act shall take effect November 1, 1971.

Senators Graham, Henderson, Arnold, Lewis (43rd), Deeb and Bell offered the following amendment to the amendment which was moved by Senator Graham:

On pages 4-25, section 2, strike Section 2, page 4 lines 19-29; pages 5-24; page 25 lines 1-22 and insert: Section 2. Section 11, Chapter 71-3(B) is hereby repealed.

On motion by Senator Plante, by two-thirds vote, debate on the pending amendment and HB 1821 was limited to 5 minutes.

Senator Lewis (43rd) moved that the Senate reconsider the vote by which the foregoing motion was adopted. The motion failed.

The amendment to the amendment was adopted by the following vote:

Yeas—28

Arnold	Deeb	Hollahan	Reuter
Barron	Ducker	Johnson (29th)	Saunders
Barrow	Fincher	Johnson (34th)	Scarborough
Bell	Gong	Lewis (43rd)	Stolzenburg
Bishop	Graham	McClain	Ware
Brantley	Haverfield	Myers	Weissenborn
Childers	Henderson	Pope	Wilson

Nays—15

Mr. President	Daniel	Karl	Plante
Beaufort	de la Parte	Lane	Trask
Boyd	Gunter	Lewis (33rd)	Weber
Broxson	Horne	Ott	

By unanimous consent, Senator Knopke was recorded as voting yea; Senator Boyd changed his vote from nay to yea.

The amendment as amended was adopted.

On motion by Senator Graham the following amendment was adopted:

On page 1, line 4, in title, strike lines 4 through 33 and insert: An act relating to motor vehicle insurance; amending part X of chapter 627, Florida Statutes, casualty insurance contracts, by adding section 627.0861, Florida Statutes, to require that automobile liability insurance policies issued subsequent to November 1, 1971, provide for the immediate payment of certain medical and disability benefits under such policies; providing for waiver of such benefits; repealing section 11, chapter 71-3(B); providing an effective date.

On motion by Senator Karl, by two-thirds vote, HB 1821 as amended was read the third time by title, passed and by two-thirds vote certified to the House immediately. The vote was: Yeas—42 Nays—None

Mr. President	Daniel	Johnson (29th)	Reuter
Arnold	Deeb	Johnson (34th)	Saunders
Barron	de la Parte	Karl	Scarborough
Barrow	Ducker	Lane	Stolzenburg
Beaufort	Gong	Lewis (33rd)	Trask
Bell	Graham	Lewis (43rd)	Ware
Bishop	Gunter	McClain	Weber
Boyd	Haverfield	Myers	Weissenborn
Brantley	Henderson	Ott	Wilson
Broxson	Hollahan	Plante	
Childers	Horne	Pope	

By unanimous consent Senator Knopke was recorded as voting yea.

CONSENT CALENDAR

Consideration of Senate Bills 908 and 837 was deferred, the bills retaining their places on the Calendar.

SB 467—A bill to be entitled An act relating to the investment of state funds by the state board of administration; amending §18.10, Florida Statutes, to require deposits of certain state funds in interest-bearing time deposits at rates to be determined by the state board of administration; permitting investment of funds in United States treasury bills; requiring the state treasurer to keep the board advised of the status of all state money invested; providing for the payment of reasonable service charges; providing an appropriation; providing an effective date.

Was read the second time by title.

The Committee on Ways and Means offered the following amendment which was moved by Senator de la Parte and failed:

On page 4, section 5, Line 4 following the words municipal officer insert: , county officer Line 5 following the word municipal insert: , county Line 10 following the words municipal officer insert: , county officer Line 11 following the word municipal insert: , county Line 12 following the municipality insert: , county Line 13 and Line 14 following the municipal insert: , county

On motion by Senator Gunter the following amendment was adopted:

On page 1, line 26, section 1, at the beginning of the sentence insert: , the treasurer, acting with the approval of a majority of

On motion by Senator Gunter the following amendment was adopted:

On page 2, lines 15 and 16, section 2, strike "less than thirty (30)" and insert: not more than ninety (90)

On motion by Senator Gunter the following amendment was adopted:

On page 3, line 7, strike subsections (4) and (5) and renumber subsection (6)

Pending further consideration of SB 467 as amended, on motion by Senator Gunter, by two-thirds vote, HB 1260 was withdrawn from the Committee on Rules, Calendar, Privileged Business and Ethics and placed on the Calendar. On motion by Senator Gunter—

HB 1260—A bill to be entitled An act relating to the investment of state funds by the state board of administration; amending section 18.10, Florida Statutes, to require deposits of certain state funds in interest bearing time deposits at rates to be determined by the state board of administration; permitting investment of funds in certain securities; requiring the state treasurer to keep the board advised of the status of all state money invested; providing an effective date.

—a companion measure to SB 467 as amended was substituted therefor. On motion by Senator Gunter, by two-thirds vote, HB 1260 was read the second time by title.

On motion by Senator Gunter the following amendment was adopted:

On page 2, line 27, subsection (3)(a), strike ", except that" and the remainder of section (3)(a) and insert: a period

On motion by Senator Gunter the following amendment was adopted:

On page 3, between lines 15 and 16, section 1, add a new subsection (4) between lines 15 and 16 to read:

(4) All earnings on any investments made pursuant to this section shall be credited to the state general revenue fund.

(renumber subsequent subsections)

On motion by Senator Gunter, by two-thirds vote, HB 1260 as amended was read the third time by title, passed and certified to the House. The vote was: Yeas—44 Nays—None

Mr. President	Deeb	Johnson (29th)	Pope
Arnold	de la Parte	Johnson (34th)	Poston
Barron	Ducker	Karl	Reuter
Barrow	Fincher	Knopke	Saunders
Beaufort	Gong	Lane	Scarborough
Bell	Graham	Lewis (33rd)	Stolzenburg
Bishop	Gunter	Lewis (43rd)	Trask
Boyd	Haverfield	McClain	Ware
Brantley	Henderson	Myers	Weber
Childers	Hollahan	Ott	Weissenborn
Daniel	Horne	Plante	Wilson

SB 467 was laid on the table.

SB 811 was taken up, together with:

By the Committee on Commerce—

CS for SB 811—A bill to be entitled An act relating to the Florida uniform land sales practice law; amending section 478.-021 (2)(j), Florida Statutes, by adding additional exceptions to communications addressed to and relating to the account of any persons who have previously executed a contract for the purchase of the subdivider's lands; providing an effective date.

—which was read the first time by title and SB 811 was laid on the table.

On motion by Senator Karl, by two-thirds vote, CS for SB 811 was read the second time by title.

On motion by Senator Karl the following amendment was adopted:

Page 2, lines 29, 30, 31 and on page 3, lines 1, 2, 3, strike "all communications from any subdivider to any person who has previously executed a contract, relating to inducing, enticing, or otherwise influencing these persons to prepay or accelerate payments on the contract such as, but not limited to, discounts, vacation certificates or trading stamps and except" and insert on page 3, line 9: change period to a semicolon and add: provided further that in all communications wherein any subdivider solicits or attempts to induce, entice, or otherwise influence any person who has previously executed a contract to prepay or accelerate payments on the contract such as, but not limited to, discounts, vacation certificates or trading stamps, the subdivider shall be required to advise such person that such prepayment will not accelerate the seller's obligation to deliver a deed or the time for making improvements to the subdivider's property as set forth in the public offering statement required by this law to be furnished to the purchaser.

On motion by Senator Karl, by two-thirds vote, CS for SB 811 as amended was read the third time by title, passed and ordered engrossed. The vote was: Yeas—41 Nays—None

Mr. President	Deeb	Karl	Saunders
Arnold	Ducker	Knopke	Scarborough
Barron	Fincher	Lane	Stolzenburg
Barrow	Gong	Lewis (33rd)	Trask
Beaufort	Graham	Lewis (43rd)	Ware
Bell	Haverfield	McClain	Weber
Bishop	Henderson	Myers	Weissenborn
Boyd	Hollahan	Ott	Wilson
Brantley	Horne	Plante	
Childers	Johnson (29th)	Poston	
Daniel	Johnson (34th)	Reuter	

By unanimous consent Senator Gunter was recorded as voting yea.

Consideration of Senate Bills 158, 221, 904, 840, SJR 824 and SB 614 was deferred, the bills retaining their places on the Calendar.

SB 381—A bill to be entitled An act relating to school district millage elections; amending §236.32(3), Florida Statutes,

as amended by chapter 70-401, Laws of Florida, to remove requirement that electors voting in school district millage elections be freeholders; providing an effective date.

Was read the second time by title.

The Committee on Judiciary—Civil B offered the following amendment which was adopted on motion by Senator Horne:

In line 12, page 1, immediately following the enacting clause, insert a new Section 1 to read as follows and renumber the existing sections accordingly:

Section 1. Section 236.31, Florida Statutes, is hereby amended to read:

236.31 District millage elections.—The school board, pursuant to resolution adopted at a regular meeting, shall direct the county commissioners to call an election at which the electors ~~who are the owners of freeholds~~ within the school districts ~~not wholly exempt from taxation~~ may approve an ad valorem tax millage as authorized in §9, Art. VII of the state constitution. Such election may be held at any time, except that not more than one such election shall be held during any twelve-month period. Any millage so authorized shall be levied for a period not in excess of two years or until changed by another millage election, whichever is the earlier. In the event any such election is invalidated by a court of competent jurisdiction, such invalidated election shall be considered not to have been held.

The Committee on Judiciary—Civil B offered the following amendment which was adopted on motion by Senator Horne:

In Section 1, line 19, page 1, strike: "residing within" and insert: of

The Committee on Judiciary—Civil B offered the following amendment which was adopted on motion by Senator Horne:

In Title, line 5, page 1, after the word "amending" insert: §236.31 and

On motion by Senator Barrow, by two-thirds vote, SB 381 as amended was read the third time by title, passed and ordered engrossed. The vote was: Yeas—41 Nays—None

Mr. President	Deeb	Karl	Saunders
Arnold	Ducker	Knopke	Scarborough
Barron	Fincher	Lane	Stolzenburg
Barrow	Gong	Lewis (33rd)	Trask
Beaufort	Graham	Lewis (43rd)	Ware
Bell	Haverfield	Myers	Weber
Bishop	Henderson	Ott	Weissenborn
Boyd	Hollahan	Plante	Wilson
Brantley	Horne	Pope	
Childers	Johnson (29th)	Poston	
Daniel	Johnson (34th)	Reuter	

By unanimous consent Senator Gunter was recorded as voting yea.

Consideration of SB 555 was deferred, the bill retaining its place on the Calendar.

SB 774—A bill to be entitled An act relating to the payment of wages; amending §§532.01 and 532.02, Florida Statutes, to provide that any acknowledgment of indebtedness issued in payment of wages must be payable in cash and must be supported by sufficient funds, or an agreement with the payee, for its payment; repealing §532.03, Florida Statutes, to conform to the contents of this act; providing an effective date.

Was read the second time by title. On motion by Senator Gong, by two-thirds vote SB 774 was read the third time by title, passed and certified to the House. The vote was: Yeas—42 Nays—None

Mr. President	Daniel	Karl	Reuter
Arnold	de la Parte	Knopke	Saunders
Barron	Fincher	Lane	Saylor
Barrow	Gong	Lewis (33rd)	Scarborough
Beaufort	Graham	Lewis (43rd)	Trask
Bell	Gunter	McClain	Ware
Bishop	Haverfield	Myers	Weber
Boyd	Henderson	Ott	Weissenborn
Brantley	Horne	Plante	Wilson
Broxson	Johnson (29th)	Pope	
Childers	Johnson (34th)	Poston	

SB 408—A bill to be entitled An act relating to teachers; amending section 232.27, Florida Statutes, providing that teachers may inflict corporal punishment; providing an effective date.

Was read the second time by title.

The Committee on Public Schools offered the following amendment which was adopted on motion by Senator Ducker:

On page 1, line 17, section 1, strike line 17 and insert: may, when authorized by the principal or teacher in charge of the school and under appropriate circumstances, inflict

The Committee on Public Schools offered the following amendment which was adopted on motion by Senator Broxson:

On page 1, line 20, section 1, after the word "be" and before the word "degrading" insert: unnecessarily

On motion by Senator Ducker, by two-thirds vote, SB 408 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—31

Barron	Ducker	Lane	Poston
Beaufort	Fincher	Lewis (33rd)	Reuter
Bell	Graham	Lewis (43rd)	Saunders
Bishop	Haverfield	McClain	Scarborough
Boyd	Henderson	Myers	Trask
Brantley	Hollahan	Ott	Ware
Broxson	Johnson (29th)	Plante	Weissenborn
Daniel	Johnson (34th)	Pope	

Nays—3

Mr. President Arnold Childers

By unanimous consent Senator Gunter was recorded as voting yea.

Consideration of SB 893 was deferred, the bill retaining its place on the Calendar.

SB 912 was taken up and on motion by Senator Broxson—

HB 1409—A bill to be entitled An act relating to public education; repealing subsection (10) of section 228.041; amending section 228.07; repealing subsection (4) of section 230.03; amending subsections 230.23(10)(i), 230.33(9)(a), 230.33(12)(g), 230.33(13)(b), 230.33(18) and (19), 230.34(7), 232.22(4),

234.01 and 234.20, all Florida Statutes; removing provisions for school trustees; providing an effective date.

—a companion measure was substituted therefor and read the second time by title. On motion by Senator Broxson, by two-thirds vote, HB 1409 was read the third time by title, passed and certified to the House. The vote was: Yeas—44 Nays—None

Mr. President	Daniel	Johnson (29th)	Pope
Arnold	Deeb	Johnson (34th)	Poston
Barron	Ducker	Karl	Reuter
Barrow	Fincher	Knopke	Sayler
Beaufort	Gong	Lane	Scarborough
Bell	Graham	Lewis (33rd)	Stolzenburg
Bishop	Gunter	Lewis (43rd)	Trask
Boyd	Haverfield	McClain	Ware
Brantley	Henderson	Myers	Weber
Broxson	Hollahan	Ott	Weissenborn
Childers	Horne	Plante	Wilson

SB 912 was laid on the table.

SB 914 was taken up and on motion by Senator Broxson—

HB 1327—A bill to be entitled An act relating to public education, finance and taxation; amending section 236.37, Florida Statutes, removing the provision for school trustees; providing an effective date.

—a companion measure was substituted therefor and read the second time by title. On motion by Senator Broxson, by two-thirds vote, HB 1327 was read the third time by title, passed and certified to the House. The vote was: Yeas—44 Nays—None

Mr. President	Daniel	Johnson (34th)	Poston
Arnold	Deeb	Karl	Reuter
Barron	Ducker	Knopke	Saunders
Barrow	Fincher	Lane	Sayler
Beaufort	Gong	Lewis (33rd)	Scarborough
Bell	Graham	Lewis (43rd)	Stolzenburg
Bishop	Gunter	McClain	Trask
Boyd	Haverfield	Myers	Ware
Brantley	Henderson	Ott	Weber
Broxson	Horne	Plante	Weissenborn
Childers	Johnson (29th)	Pope	Wilson

SB 914 was laid on the table.

Consideration of SB 917 was deferred, the bill retaining its place on the Calendar.

SB 918 was taken up and on motion by Senator Broxson—

HB 1330—A bill to be entitled An act relating to public education; amending subsection (7) of section 228.041, Florida Statutes, broadening the definition of a school center; providing an effective date.

—a companion measure was substituted therefor and read the second time by title. On motion by Senator Broxson, by two-thirds vote, HB 1330 was read the third time by title, passed and certified to the House. The vote was: Yeas—40 Nays—None

Mr. President	Daniel	Johnson (34th)	Pope
Arnold	Deeb	Karl	Poston
Barron	Ducker	Knopke	Reuter
Barrow	Fincher	Lane	Saunders
Beaufort	Gong	Lewis (33rd)	Sayler
Bell	Graham	Lewis (43rd)	Scarborough
Boyd	Gunter	McClain	Stolzenburg
Brantley	Haverfield	Myers	Trask
Broxson	Henderson	Ott	Ware
Childers	Hollahan	Plante	Weissenborn

SB 918 was laid on the table.

SB 919—A bill to be entitled An act relating to public education, district school system; amending section 230.39, Florida Statutes; removing provision for nomination of school trustees; providing an effective date.

Was read the second time by title.

The Committee on Public Schools offered the following amendment which was adopted on motion by Senator Broxson:

On page 1, line 27, section 1, after the word "sufficient" insert a period (.), and strike the remainder of that sentence.

The Committee on Public Schools offered the following amendment which was adopted on motion by Senator Broxson:

On page 2, line 2, section 1, after the word "election" insert a period (.), and strike the remainder of line 2.

On motion by Senator Broxson, by two-thirds vote, SB 919 as amended was read the third time by title, passed and ordered engrossed. The vote was: Yeas—43 Nays—None

Mr. President	Deeb	Johnson (29th)	Pope
Arnold	de la Parte	Johnson (34th)	Poston
Barron	Ducker	Karl	Reuter
Barrow	Fincher	Knopke	Saunders
Beaufort	Gong	Lane	Sayler
Bell	Graham	Lewis (33rd)	Scarborough
Bishop	Gunter	Lewis (43rd)	Stolzenburg
Boyd	Haverfield	McClain	Trask
Brantley	Henderson	Myers	Weber
Broxson	Hollahan	Ott	Wilson
Childers	Horne	Plante	

SB 844 was taken up and on motion by Senator Boyd—

HB 1318—A bill to be entitled An act relating to mortgage guaranty insurance; amending subsection (1) of section 635.011, Florida Statutes, relating to definitions; amending section 635.081, Florida Statutes, relating to limitation of liability, coverage, and types of insurance written; providing an effective date.

—a companion measure was substituted therefor and read the second time by title. On motion by Senator Boyd, by two-thirds vote, HB 1318 was read the third time by title, passed and certified to the House. The vote was: Yeas—38 Nays—None

Mr. President	Daniel	Johnson (29th)	Poston
Arnold	Deeb	Johnson (34th)	Reuter
Barron	Ducker	Knopke	Saunders
Barrow	Fincher	Lane	Sayler
Beaufort	Gong	Lewis (33rd)	Scarborough
Bell	Graham	Lewis (43rd)	Trask
Bishop	Haverfield	McClain	Ware
Boyd	Henderson	Myers	Weissenborn
Brantley	Hollahan	Ott	
Childers	Horne	Plante	

By unanimous consent Senator Gunter was recorded as voting yea.

SB 844 was laid on the table.

SB 270—A bill to be entitled An act relating to the medical practice act, amending section 458.05(3), Florida Statutes, to provide that under specified conditions, a graduate of a foreign medical school licensed in another state need not present an educational council for foreign medical graduates certificate or take the American medical qualification examination for foreign medical graduates in order to qualify to take the Florida board of medical examiner's examination; providing an effective date.

Was read the second time by title.

The Committee on Health, Welfare and Institutions offered the following amendment which was adopted on motion by Senator Myers:

On page 2, lines 18-20, section 1, strike all of lines 18-20 and insert: *establishment of residence in Florida*; and

(d) he has been examined and certified as a specialist by one of the appropriate American Specialty Boards accredited by the Council on Medical Education of the American Medical Association.

Section 2. This act shall take effect September 1, 1971.

On motion by Senator Myers, by two-thirds vote, SB 270 as amended was read the third time by title, passed and ordered engrossed. The vote was: Yeas—39 Nays—None

Mr. President	Deeb	Johnson (29th)	Plante
Arnold	de la Parte	Johnson (34th)	Poston
Barron	Ducker	Karl	Reuter
Beaufort	Fincher	Knopke	Saunders
Bell	Gong	Lane	Sayler
Bishop	Graham	Lewis (33rd)	Scarborough
Boyd	Haverfield	Lewis (43rd)	Trask
Brantley	Henderson	McClain	Ware
Childers	Hollahan	Myers	Weissenborn
Daniel	Horne	Ott	

By unanimous consent Senator Gunter was recorded as voting yea.

On motion by Senator Myers, by two-thirds vote, SB 270 was ordered immediately certified to the House after engrossing.

Consideration of SB 675 was deferred, the bill retaining its place on the Calendar.

On motion by Senator Knopke, the House was requested to return HB 1484.

On motion by Senator Myers, by two-thirds vote, CS for HB's 501 and 458 as amended which passed on May 24 was ordered immediately certified to the House.

SB 401—A bill to be entitled An act relating to water purification and waste water treatment operators; providing definitions; providing for examination and licensure of operators by the department of health and rehabilitative services; providing for license fee and applying proceeds to operation of program; providing for rule making power and establishment of minimum standards; providing for an advisory council; providing an effective date.

Was read the second time by title.

The Committee on Health, Welfare and Institutions offered the following amendment which was adopted on motion by Senator Myers:

On page 2, line 25 through line 4, page 3, strike all of Section 6, and renumber succeeding sections.

The Committee on Health, Welfare and Institutions offered the following amendment which was adopted on motion by Senator Myers:

On page 2, lines 16—19, section 4, strike "state treasury to the credit of the water and waste water treatment plant operator's trust fund and shall be disbursed in support of the purposes of this act." and insert: general revenue fund of the State.

The Committee on Health, Welfare and Institutions offered the following amendment which was adopted on motion by Senator Myers:

On page 3, lines 5—6, section 7, strike all of Section 7 and insert: Section 7. This act shall take effect July 1, 1972.

On motion by Senator Horne, by two-thirds vote, SB 401 as amended was read the third time by title, passed and ordered engrossed. The vote was: Yeas—44 Nays—None

Mr. President	Daniel	Johnson (29th)	Pope
Arnold	Deeb	Johnson (34th)	Poston
Barron	de la Parte	Karl	Reuter
Barrow	Ducker	Knopke	Saunders
Beaufort	Fincher	Lane	Sayler
Bell	Graham	Lewis (33rd)	Scarborough
Bishop	Gunter	Lewis (43rd)	Stolzenburg
Boyd	Haverfield	McClain	Trask
Brantley	Henderson	Myers	Ware
Broxson	Hollahan	Ott	Weber
Childers	Horne	Plante	Wilson

SB 929—A bill to be entitled An act relating to waiver of sovereign immunity; reviving causes of action and granting to the courts continuing jurisdiction over those which arose during the period of time that chapter 69-116, Laws of Florida (§768.15, Florida Statutes), was effective; providing an effective date.

Was read the second time by title.

On motion by Senator Boyd the following amendment was adopted:

In Section 1, line 14, page 2, strike "July 1, 1973." and insert: July 1, 1972.

Pending further consideration of SB 929 as amended, on motion by Senator Boyd, by two-thirds vote, HB 1447 was withdrawn from the Committee on Judiciary—Civil A and placed on the Calendar. On motion by Senator Boyd—

HB 1447—A bill to be entitled An act relating to waiver of sovereign immunity; reviving causes of action and granting to the courts continuing jurisdiction over those which arose during the period of time that chapter 69-116, Laws of Florida (§768.15, Florida Statutes), was effective; providing an effective date.

—a companion measure to SB 929 as amended was substituted therefor and read the second time by title. On motion by Senator Boyd, by two-thirds vote, HB 1447 was read the third time by title, passed and certified to the House. The vote was:

Yeas—40

Mr. President	Deeb	Karl	Reuter
Arnold	Ducker	Knopke	Saunders
Barron	Fincher	Lane	Sayler
Barrow	Gong	Lewis (33rd)	Scarborough
Beaufort	Graham	Lewis (43rd)	Stolzenburg
Bell	Haverfield	McClain	Trask
Boyd	Henderson	Myers	Ware
Brantley	Horne	Ott	Weber
Broxson	Johnson (29th)	Plante	Weissenborn
Daniel	Johnson (34th)	Poston	Wilson

Nays—2

Bishop Childers

By unanimous consent Senators Pope and Gunter were recorded as voting yea.

SB 929 was laid on the table.

SB 947—A bill to be entitled An act relating to legal jeopardy; providing that no person shall be placed in legal jeopardy for certain acts of self-defense, protection of property or acts in aid of another in certain cases; providing an effective date.

Was read the second time by title. On motion by Senator Barron, by two-thirds vote SB 947 was read the third time by title, passed and certified to the House. The vote was: Yeas—41 Nays—None

Mr. President	Daniel	Johnson (34th)	Saunders
Arnold	Deeb	Karl	Sayler
Barron	Ducker	Knopke	Scarborough
Barrow	Fincher	Lewis (33rd)	Stolzenburg
Beaufort	Gong	Lewis (43rd)	Trask
Bell	Graham	McClain	Ware
Bishop	Haverfield	Myers	Weber
Boyd	Henderson	Ott	Wilson
Brantley	Hollahan	Pope	
Broxson	Horne	Poston	
Childers	Johnson (29th)	Reuter	

By unanimous consent Senators de la Parte and Gunter were recorded as voting yea.

Pursuant to Rule 4.14, Senator Lane gave 15 minutes notice of intention to move to take up HB 207 out of order.

Consideration of Senate Bills 834, 883, 574, 659 and 923 was deferred, the bills retaining their places on the Calendar.

SB 260—A bill to be entitled An act relating to beverage licenses; amending Chapter 561, Florida Statutes, by adding a new section to allow the purchaser of a business licensed under the beverage law to operate such business under a temporary beverage license until such time as a transfer of the seller's license is denied or issued; Providing a filing fee; providing an effective date.

Was read the second time by title.

The Committee on Rules, Calendar, Privileged Business and Ethics offered the following amendment which was adopted on motion by Senator Hollahan:

On page 2, lines 8—11, section 1, strike "until such time as the Division of Beverage has either denied or granted a new license, and such action of that Division has become final" and insert: for a period not to exceed ninety days

The Committee on Rules, Calendar, Privileged Business and Ethics offered the following amendment which was adopted on motion by Senator Hollahan:

On page 1, lines 9—11, in title, strike "until such time as a transfer of the seller's license is denied or issued" and insert: for a period not to exceed ninety days

The Committee on Rules, Calendar, Privileged Business and Ethics offered the following amendment which was adopted on motion by Senator Hollahan:

On page 2, lines 14 and 15, section 1, strike "fifty dollars (\$50.00)" and insert: one hundred dollars (\$100.00)

The Committee on Rules, Calendar, Privileged Business and Ethics offered the following amendment which was adopted on motion by Senator Hollahan:

On page 2, line 15, section 1, after "(\$100.00)" strike the "." and add: , and the clearance by investigation of the Division of Beverage and the Federal Bureau of Investigation.

On motion by Senator Henderson, by two-thirds vote, SB 260 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—35

Mr. President	Ducker	Johnson (34th)	Reuter
Arnold	Fincher	Karl	Saunders
Barron	Gong	Knopke	Scarborough
Barrow	Graham	Lewis (43rd)	Stolzenburg
Beaufort	Haverfield	McClain	Ware
Bishop	Henderson	Myers	Weber
Brantley	Hollahan	Plante	Weissenborn
Daniel	Horne	Pope	Wilson
de la Parte	Johnson (29th)	Poston	

Nays—8

Bell	Broxson	Gunter	Lewis (33rd)
Boyd	Childers	Lane	Trask

SB 593—A bill to be entitled An act relating to elections; amending §101.27(4), Florida Statutes; names of unopposed candidates not to appear on the ballot unless write-in candidate has qualified under §99.023, Florida Statutes; unopposed candidate shall be deemed to have voted for self; providing an effective date.

Was read the second time by title. On motion by Senator Barrow, by two-thirds vote SB 593 was read the third time by title, passed and certified to the House. The vote was: Yeas—45 Nays—None

Mr. President	de la Parte	Karl	Saunders
Arnold	Ducker	Knopke	Sayler
Barron	Fincher	Lane	Scarborough
Barrow	Gong	Lewis (33rd)	Stolzenburg
Beaufort	Graham	Lewis (43rd)	Trask
Bell	Gunter	McClain	Ware
Bishop	Haverfield	Myers	Weber
Boyd	Henderson	Ott	Weissenborn
Brantley	Hollahan	Plante	Wilson
Broxson	Horne	Pope	
Childers	Johnson (29th)	Poston	
Daniel	Johnson (34th)	Reuter	

SB 594 was taken up and on motion by Senator Barrow—

HB 951—A bill to be entitled An act relating to national elections; amending §97.031, Florida Statutes, prescribing procedures for the registration of electors to vote in national elections for president and vice-president of the United States under Public Law 91-285; providing an effective date.

—a companion measure was substituted therefor and read the second time by title.

Senator Barrow moved the following amendment:

Change effective date to August 13, 1971

Consideration of HB 951 with pending amendment was deferred.

Consideration of Senate Bills 595 and 596 was deferred, the bills retaining their places on the Calendar.

On motion by Senator Haverfield, by two-thirds vote, SB 778 was removed from the Calendar and referred to the Committee on Rules, Calendar, Privileged Business and Ethics.

On motion by Senator Haverfield, by two-thirds vote, the Committee on Rules, Calendar, Privileged Business and Ethics was granted permission to consider SB 778 at the scheduled meeting this day.

On motion by Senator Karl, by two-thirds vote, SB 106 was withdrawn from the Committees on Commerce and Judiciary—Criminal and from further consideration of the Senate.

The hour of adjournment having arrived, a point of order was called and the Senate recessed at 12:00 noon to reconvene at 2:00 p.m.

AFTERNOON SESSION

The Senate was called to order by the President at 2:00 p.m. A quorum present—46:

Mr. President	de la Parte	Karl	Saunders
Arnold	Ducker	Knopke	Saylor
Barron	Fincher	Lane	Scarborough
Barrow	Gong	Lewis (33rd)	Stolzenburg
Beaufort	Graham	Lewis (43rd)	Trask
Bell	Gunter	McClain	Ware
Bishop	Haverfield	Myers	Weber
Boyd	Henderson	Ott	Weissenborn
Brantley	Hollahan	Plante	Williams
Childers	Horne	Pope	Wilson
Daniel	Johnson (29th)	Poston	
Deeb	Johnson (34th)	Reuter	

The Senate resumed—

CONSENT CALENDAR

SB 595—A bill to be entitled An act relating to elected public officers; amending §111.011, Florida Statutes; providing certain exceptions to definition of "contribution"; providing that filing of statements is not required if no contributions received; further defining periods for which statements shall be filed; providing an effective date.

Was read the second time by title. On motion by Senator Barrow, by two-thirds vote SB 595 was read the third time by title, passed and certified to the House. The vote was: Yeas—30 Nays—None

Mr. President	Brantley	Johnson (34th)	Saylor
Arnold	Childers	Karl	Scarborough
Barron	Ducker	Knopke	Stolzenburg
Barrow	Gong	Lane	Trask
Beaufort	Graham	Lewis (33rd)	Williams
Bell	Gunter	Pope	Wilson
Bishop	Henderson	Poston	
Boyd	Hollahan	Reuter	

By unanimous consent Senators Lewis (43rd), Weissenborn, Daniel and McClain were recorded as voting yea.

SB 166 was taken up, together with:

By the Committee on Rules, Calendar, Privileged Business and Ethics—

CS for SB 166—A bill to be entitled An act relating to standards of conduct for public officers and employees; amending sections 112.312, 112.313(2), Florida Statutes, to clarify definitions; providing the judicial branch, state cabinet, including governor and lieutenant governor, are included in definition of "state agency"; providing that "legislative employee" includes officers and employees of legislative branch of government; providing an effective date.

Which was read the first time by title and SB 166 was laid on the table.

On motions by Senator Gong, by two-thirds vote, CS for SB 166 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote was: Yeas—33 Nays—None

Mr. President	Daniel	Johnson (34th)	Reuter
Arnold	Ducker	Karl	Scarborough
Barron	Fincher	Knopke	Stolzenburg
Barrow	Gong	Lane	Trask
Beaufort	Graham	Lewis (33rd)	Williams
Bell	Gunter	Lewis (43rd)	Wilson
Boyd	Haverfield	McClain	
Brantley	Henderson	Pope	
Childers	Hollahan	Poston	

By unanimous consent Senator Weissenborn was recorded as voting yea.

SB 894—A bill to be entitled An act relating to liability insurance for county, state agencies and political subdivisions and their employees; amending §455.06(1), Florida Statutes; providing an effective date.

Was read the second time by title. On motion by Senator Haverfield, by two-thirds vote SB 894 was read the third time by title, passed and certified to the House. The vote was:

Yeas—36

Mr. President	Ducker	Karl	Poston
Arnold	Fincher	Knopke	Reuter
Barrow	Gong	Lane	Saunders
Beaufort	Graham	Lewis (33rd)	Saylor
Bell	Gunter	Lewis (43rd)	Scarborough
Boyd	Haverfield	McClain	Trask
Daniel	Henderson	Myers	Ware
Deeb	Hollahan	Ott	Weissenborn
de la Parte	Johnson (34th)	Plante	Wilson

Nays—6

Barron	Brantley	Pope
Bishop	Childers	Williams

SB 798—A bill to be entitled An act removing disqualification of felons from employment by the state or any of its agencies except law enforcement agencies, removing disqualification of felons whose civil rights have been restored for trade, occupational or professional license or certificate solely by reason of the prior conviction of a felony, permitting denial of employment or license if felony for which convicted directly relates to position or license sought, providing administrative procedure for violation, repealing section 112.01 Florida Statutes and any other act or parts of acts in conflict herewith, providing an effective date.

Was read the second time by title. On motion by Senator Myers, by two-thirds vote SB 798 was read the third time by title, passed and certified to the House. The vote was:

Yeas—35

Mr. President	Daniel	Hollahan	Reuter
Arnold	Deeb	Johnson (34th)	Saylor
Barron	de la Parte	Knopke	Scarborough
Beaufort	Fincher	Lewis (33rd)	Ware
Bell	Gong	Lewis (43rd)	Weber
Bishop	Graham	McClain	Weissenborn
Brantley	Gunter	Myers	Williams
Broxson	Haverfield	Pope	Wilson
Childers	Henderson	Poston	

Nays—4

Boyd	Ducker	Johnson (29th)	Lane
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SB 968 was taken up and on motion by Senator Graham, by two-thirds vote, HB 1291 was withdrawn from the Committee on Public Schools and placed on the Calendar. On motion by Senator Graham, by unanimous consent—

HB 1291—A bill to be entitled An act relating to school depositories, withdrawals from depositories; amending §237.32(3), Florida Statutes, by providing transfer of funds from one county depository to another or within the same depository by direction signed by the superintendent or his designee; providing an effective date.

—a similar measure to SB 968 was substituted therefor and read the second time by title. On motion by Senator Graham, by two-thirds vote, HB 1291 was read the third time by title, passed and certified to the House. The vote was: Yeas—40 Nays—None

Mr. President	Deeb	Horne	Poston
Arnold	de la Parte	Johnson (29th)	Reuter
Barron	Ducker	Johnson (34th)	Sayler
Beaufort	Fincher	Knopke	Scarborough
Bell	Gong	Lane	Stolzenburg
Bishop	Graham	Lewis (33rd)	Ware
Boyd	Gunter	Lewis (43rd)	Weber
Brantley	Haverfield	McClain	Weissenborn
Childers	Henderson	Myers	Williams
Daniel	Hollahan	Pope	Wilson

Horne	Lane	Pope	Stolzenburg
Johnson (29th)	Lewis (33rd)	Poston	Trask
Johnson (34th)	Lewis (43rd)	Reuter	Ware
Karl	McClain	Sayler	Williams
Knopke	Myers	Scarborough	Wilson

By unanimous consent Senator Weissenborn was recorded as voting yea.

SB 595 was laid on the table.

SB 968 was laid on the table.

Consideration of SB 868 was deferred, the bill retaining its place on the Calendar.

SB 882 was taken up, together with:

By the Committee on Commerce—

CS for SB 882—A bill to be entitled An act relating to fraudulent practices; creating §§817.561 and 817.751, Florida Statutes, authorizing the state attorney or county solicitor to seek injunctions against certain fraudulent practices relating to false and misleading advertising and the sending of misleading solicitations for payment or simulated process; providing for assessment of court costs and attorney's fees; repealing §817.46, Florida Statutes, relating to injunctions against certain fraudulent practices; providing an effective date.

—which was read the first time by title and SB 882 was laid on the table.

On motions by Senator Gong, by two-thirds vote, CS for SB 882 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote was: Yeas—36 Days—None

Mr. President	Ducker	Johnson (34th)	Poston
Arnold	Fincher	Karl	Reuter
Beaufort	Gong	Knopke	Sayler
Bell	Graham	Lane	Scarborough
Boyd	Haverfield	Lewis (33rd)	Stolzenburg
Brantley	Henderson	Lewis (43rd)	Trask
Childers	Hollahan	McClain	Ware
Daniel	Horne	Myers	Williams
Deeb	Johnson (29th)	Pope	Wilson

By unanimous consent Senators Gunter and Weissenborn were recorded as voting yea.

On motion by Senator Barrow, the rules were waived and the Senate immediately reconsidered the vote by which SB 595 passed this day.

On motion by Senator Barrow, by two-thirds vote, HB 926 was withdrawn from the Committee on Judiciary—Civil B and placed on the Calendar.

On motion by Senator Barrow, unanimous consent was obtained to take up out of order—

HB 926—A bill to be entitled An act relating to elected public officers; amending §111.011, Florida Statutes; providing certain exceptions to definition of "contribution"; providing that filing of statements is not required if no contributions received; further defining periods for which statements shall be filed; providing an effective date.

—which was read the second time by title. On motion by Senator Barrow, by two-thirds vote, HB 926 was read the third time by title, passed and certified to the House. The vote was: Yeas—40 Days—None

Mr. President	Bell	Daniel	Graham
Arnold	Bishop	Deeb	Gunter
Barron	Boyd	Ducker	Haverfield
Barrow	Brantley	Fincher	Henderson
Beaufort	Childers	Gong	Hollahan

Was read the second time by title.

The Committee on Natural Resources and Conservation offered the following amendment which was adopted on motion by Senator Knopke:

On page 2, strike lines 3-7 inclusive

"Only the holders of commercial fishing licenses issued by the state will be permitted to use nets and seines during this period. Such nets or seines shall be marked in such a manner that the identity of the permit may be readily determined." and insert: *Nets or seines shall be clearly marked in such a manner that the identity of the commercial fisherman's boat registration number may be readily determined.*

The Committee on Natural Resources and Conservation offered the following amendment which was adopted on motion by Senator Knopke:

On page 2, lines 17, 18, 19, section 1(4), strike lines 17, 18, 19 and renumber the remaining paragraph

The Committee on Natural Resources and Conservation offered the following amendment which was adopted on motion by Senator Knopke:

On page 2, line 16, section 1, add after the period ".

However, it shall be unlawful for anyone to use stop nets for any purpose.

The Committee on Natural Resources and Conservation offered the following amendment which was adopted on motion by Senator Knopke:

On page 2, line 24, add new Section 2:

Section 2. Amend paragraph (d) subsection (3) of Section 370.11, Florida Statutes, to read:

1. Nothing in this section shall prevent the taking of shad at any time by means of pole and line, rod and reel, plug, bob, spinner, spoon, fly, troll or other natural or artificial bait used with hook and line. However, no person is permitted to take in one day more than ~~fifteen~~ ten shad by the above methods.

Renumber following section.

The Committee on Natural Resources and Conservation offered the following amendment which was adopted on motion by Senator Knopke:

On page 1, lines 5-11, title, strike lines 5, 6, 7, 8, 9, 10 and 11 and insert: amending section 370.11 (3), Florida Statutes, to provide for change in day's bag limit; adding paragraph (e) to section 370.11 (3), Florida Statutes, to provide allowable periods for commercial shad fishing; providing definitions; prohibiting use of certain nets by sports fishermen; prohibiting use of stop

nets by anyone; providing penalties; providing an effective date.

Pending further consideration of SB 473 as amended, on motion by Senator Brantley—

HB 602—A bill to be entitled An act relating to saltwater fisheries; adding paragraph (e) to §370.11(3), Florida Statutes, to provide allowable periods for commercial shad fishing; providing definitions; prohibiting use of certain nets by sports fishermen; providing bag limit for noncommercial fishermen; providing penalties; providing an effective date.

—a companion measure to SB 473 was substituted therefor and read the second time by title.

The Committee on Natural Resources and Conservation offered the following amendment which was adopted on motion by Senator Knopke:

On page 2, line 14, section 1 (sub 3), after the period (.) add the following: However, it shall be unlawful for anyone to use stop nets, as defined in Ch 370.08(2), F.S., for any purpose.

The Committee on Natural Resources and Conservation offered the following amendment which was adopted on motion by Senator Knopke:

On page 2, line 4, section 1 (sub 2), strike “fisherman” and insert: fisherman’s

Senators Plante and Brantley offered the following amendment which was adopted on motion by Senator Brantley:

On page 3, lines 9 and 10, strike “Section 2. This Act shall take effect upon becoming a law.” and insert:

Section 2. Amend paragraph (d) subsection (3) of Section 370.11, Florida Statutes, to read:

1. Nothing in this section shall prevent the taking of shad at any time by means of pole and line, rod and reel, plug, bob, spinner, spoon, fly, troll or other natural or artificial bait used with hook and line. However, no person is permitted to take in one day more than ~~fifteen~~ *ten* shad by the above methods.

Section 3. This act shall take effect upon becoming a law.

Senators Plante and Brantley offered the following amendment which was adopted on motion by Senator Brantley:

On page 1, between lines 10 and 11, title, insert: prohibiting use of stop nets by anyone;

On motion by Senator Brantley, by two-thirds vote, HB 602 as amended was read the third time by title, passed and certified to the House. The vote was:

Yeas—36

Mr. President	Ducker	Johnson (29th)	Ott
Arnold	Fincher	Johnson (34th)	Pope
Beaufort	Gong	Karl	Poston
Bell	Graham	Knopke	Reuter
Bishop	Gunter	Lane	Saylor
Brantley	Haverfield	Lewis (33rd)	Scarborough
Childers	Henderson	Lewis (43rd)	Weissenborn
Daniel	Hollahan	McClain	Williams
Deeb	Horne	Myers	Wilson

Nays—1

Barron

On motion by Senator Brantley, by two-thirds vote, HB 602 was immediately certified to the House.

SB 473 was laid on the table.

On motion by Senator Scarborough, by two-thirds vote, SB 1312, which passed the Senate on May 24, was ordered immediately certified to the House after engrossing.

Consideration of SB 800 was deferred, the bill retaining its place on the Calendar.

SB 930—A bill to be entitled An act relating to fines and penalties; providing for an assessment as a court cost against all persons convicted of a state penal or criminal statute or convicted for violation of a municipal or county ordinance; providing an effective date.

Was read the second time by title. On motion by Senator Pope, by two-thirds vote SB 930 was read the third time by title, passed and certified to the House. The vote was:

Yeas—39

Arnold	de la Parte	Johnson (34th)	Poston
Barron	Ducker	Karl	Reuter
Barrow	Fincher	Knopke	Saunders
Beaufort	Gong	Lane	Saylor
Bell	Graham	Lewis (33rd)	Scarborough
Bishop	Gunter	Lewis (43rd)	Trask
Boyd	Haverfield	McClain	Ware
Brantley	Henderson	Myers	Weissenborn
Childers	Hollahan	Ott	Williams
Daniel	Johnson (29th)	Pope	

Nays—3

Mr. President Stolzenburg Wilson

SB 977—A bill to be entitled An act relating to public defenders; adding a new section to chapter 27, Florida Statutes, to delineate procedure when a case receives a change of venue; providing an effective date.

Was read the second time by title. On motion by Senator Hollahan, by two-thirds vote SB 977 was read the third time by title, passed and certified to the House. The vote was: Yeas—40 Nays—None

Mr. President	Deeb	Johnson (34th)	Saunders
Arnold	de la Parte	Knopke	Saylor
Barron	Ducker	Lane	Scarborough
Beaufort	Gong	Lewis (33rd)	Stolzenburg
Bell	Graham	McClain	Trask
Bishop	Gunter	Ott	Ware
Boyd	Haverfield	Plante	Weber
Brantley	Henderson	Pope	Weissenborn
Childers	Hollahan	Poston	Williams
Daniel	Johnson (29th)	Reuter	Wilson

By unanimous consent Senator Lewis (43rd) was recorded as voting yea.

SB 978—A bill to be entitled An act relating to service of process; amending §48.021, Florida Statutes, to allow public defenders and their investigators to serve process under certain conditions; providing an effective date.

Was read the second time by title.

The Committee on Judiciary—Criminal offered the following amendment which was adopted on motion by Senator Barrow:

On page 1, line 18, section 1, strike “process” and insert: witness subpoenas

On motion by Senator Hollahan, by two-thirds vote, SB 978 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—37

Arnold	Beaufort	Childers	Fincher
Barron	Boyd	Daniel	Gong
Barrow	Brantley	Deeb	Graham

Gunter	Karl	Plante	Trask
Haverfield	Knopke	Poston	Weissenborn
Henderson	Lewis (33rd)	Reuter	Williams
Hollahan	Lewis (43rd)	Saunders	Wilson
Horne	McClain	Sayler	
Johnson (29th)	Myers	Scarborough	
Johnson (34th)	Ott	Stolzenburg	

Nays—7

Mr. President	Bishop	Ducker	Pope
Bell	de la Parte	Lane	

Consideration of SB 866 was deferred, the bill retaining its place on the Calendar.

SB 823—A bill to be entitled An act relating to the blind and visually handicapped; amending §413.08, Florida Statutes, to provide that the blind shall have equal privileges in all places of public accommodation; allowing the blind to be accompanied by a guide dog in all places of public accommodation without extra charge; providing that it shall be a misdemeanor offense for any person or corporation to deny admittance to a public facility to a blind or visually handicapped person; requiring equal access for blind or visually handicapped persons as renters, lessors or purchasers of housing accommodations; providing an effective date.

Was read the second time by title.

The Committee on Health, Welfare and Institutions offered the following amendment which was adopted on motion by Senator Myers:

On page 2, line 22, section 3, strike "and the visually handicapped" and insert: , the visually handicapped, and the otherwise physically disabled

On motion by Senator Plante, by two-thirds vote, SB 823 as amended was read the third time by title, passed and ordered engrossed. The vote was: Yeas—41 Nays—None

Mr. President	de la Parte	Knopke	Saunders
Arnold	Ducker	Lane	Sayler
Barron	Fincher	Lewis (33rd)	Scarborough
Barrow	Gong	Lewis (43rd)	Stolzenburg
Beaufort	Graham	McClain	Trask
Bell	Gunter	Myers	Ware
Bishop	Haverfield	Ott	Weissenborn
Brantley	Henderson	Plante	Williams
Childers	Hollahan	Pope	
Daniel	Johnson (34th)	Poston	
Deeb	Karl	Reuter	

SB 566—A bill to be entitled An act relating to identification cards for the blind; authorizes these cards to be issued by the department of health and rehabilitative services, division of vocational rehabilitation, bureau of blind services; authorizes the bureau to promulgate rules, regulations, and procedures relating to application and eligibility for and issuance and control of this identification card; providing an effective date.

Was read the second time by title. On motion by Senator de la Parte, by two-thirds vote SB 566 was read the third time by title, passed and certified to the House. The vote was: Yeas—43 Nays—None

Mr. President	Deeb	Johnson (29th)	Poston
Arnold	de la Parte	Johnson (34th)	Reuter
Barron	Ducker	Karl	Saunders
Barrow	Fincher	Knopke	Sayler
Beaufort	Gong	Lane	Scarborough
Bell	Graham	Lewis (43rd)	Stolzenburg
Bishop	Gunter	McClain	Trask
Boyd	Haverfield	Myers	Weissenborn
Brantley	Henderson	Ott	Williams
Childers	Hollahan	Plante	Wilson
Daniel	Horne	Pope	

SB 880—A bill to be entitled An act relating to public health; amending chapter 383, Florida Statutes, by adding section

383.141 to require the division of health of the department of health and rehabilitative services to promulgate rules and regulations to require every newborn child be tested for phenylketonuria and other metabolic diseases; providing for an intensive educational program concerning phenylketonuria and other metabolic diseases; providing for a central registry of cases; providing for treatment and consultative services; providing for waiver of the requirement under certain conditions; repealing section 383.14, Florida Statutes; providing an effective date.

Was read the second time by title. On motion by Senator Myers, by two-thirds vote SB 880 was read the third time by title, passed and certified to the House. The vote was: Yeas—44 Nays—None

Mr. President	Deeb	Johnson (29th)	Pope
Arnold	de la Parte	Johnson (34th)	Poston
Barron	Ducker	Karl	Reuter
Barrow	Fincher	Knopke	Saunders
Beaufort	Gong	Lane	Sayler
Bell	Graham	Lewis (33rd)	Scarborough
Bishop	Gunter	Lewis (43rd)	Stolzenburg
Boyd	Haverfield	McClain	Trask
Brantley	Henderson	Myers	Weissenborn
Childers	Hollahan	Ott	Williams
Daniel	Horne	Plante	Wilson

Consideration of SB 870 was deferred, the bill retaining its place on the Calendar.

Senator Karl, chairman of the Select Committee on Executive Appointments, was recognized by the President for the purpose of presenting the following report:

Honorable Jerry Thomas
President
The Florida Senate

May 25, 1971

Dear Mr. President:

You have referred several questions to the undersigned Select Committee on Executive Appointments. The Committee has considered the opinions of the Supreme Court and applicable statutes and respectfully reports:

(a) The Senate may take appropriate action (confirm, advise and consent or reject) on any executive appointment, including any ad interim appointment, that has not been recalled or substituted.

(b) If the Senate fails to act on any such appointment in the regular session, the ad interim appointment terminates and a vacancy in such office occurs.

(c) If a vacancy occurs because the Senate does not act, the previous appointee may be reappointed by the Governor.

(d) To avoid the situation in which a Governor may recall appointments during a regular session and then reappoint the same person for another year, thereby circumventing the Senate's power, we recommend a statutory change that would:

(1) Affirm the Governor's authority (as provided in the Supreme Court advisory opinion) to withdraw ad interim appointments prior to Senate action,

(2) Provide that in any case in which the Governor withholds or recalls an appointment during the regular session the Governor will be prohibited from reappointing the same person upon the expiration of the regular session.

FREDERICK B. KARL,
State Senator 14th District

MALLORY E. HORNE,
State Senator 5th District

HAROLD S. WILSON,
State Senator 20th District

On motion by Senator Hollahan the report was ordered spread upon the Journal.

On motion by Senator Karl, by two-thirds vote, CS for HB 543 was withdrawn from the Committee on Commerce and placed on the Calendar.

SB 772—A bill to be entitled An act relating to the fitting and selling of hearing aids; amending part III, chapter 468, Florida Statutes, to provide for division of the function of fitting and selling hearing aids; providing for the exemption of batteries and cords from the definition of "hearing aid"; to provide for the redefinition of "fitting" and "selling"; providing authority for background investigation of applicants; to provide for reimbursement of travel and per diem expenses of the advisory council; to provide for eligibility of applicants whose disability of non-age is removed; to provide for eligibility of new residents; to provide for changes and additions in fees; to provide for additional grounds for denial, revocation, or suspension of certificates of registration; to provide for redefinition of unethical conduct; to provide procedure for denial, revocation and suspension of certificate; to provide for disposition of fee monies; to provide a severability clause; to provide an effective date.

Was read the second time by title. On motion by Senator Pope, by two-thirds vote SB 772 was read the third time by title, passed and certified to the House. The vote was: Yeas—44 Nays—None

Mr. President	de la Parte	Johnson (34th)	Poston
Arnold	Ducker	Karl	Reuter
Barron	Fincher	Knopke	Saunders
Barrow	Gong	Lane	Sayler
Beaufort	Graham	Lewis (33rd)	Scarborough
Bell	Gunter	Lewis (43rd)	Stolzenburg
Bishop	Haverfield	McClain	Trask
Boyd	Henderson	Myers	Ware
Brantley	Hollahan	Ott	Weber
Childers	Horne	Plante	Weissenborn
Deeb	Johnson (29th)	Pope	Wilson

By unanimous consent Senators Williams and Daniel were recorded as voting yea.

SB 965—A bill to be entitled An act relating to environmental manpower; establishing a grant program for support of training in environmental protection through the department of health and rehabilitative services, division of health, bureau of sanitary engineers; providing an effective date.

Was read the second time by title. On motion by Senator Graham, by two-thirds vote SB 965 was read the third time by title, passed and certified to the House. The vote was:

Yeas—38

Mr. President	Daniel	Horne	Saunders
Arnold	Deeb	Johnson (29th)	Sayler
Barron	de la Parte	Johnson (34th)	Scarborough
Barrow	Fincher	Knopke	Stolzenburg
Beaufort	Gong	Lane	Trask
Bell	Graham	Lewis (43rd)	Ware
Bishop	Gunter	McClain	Weissenborn
Boyd	Haverfield	Myers	Wilson
Brantley	Henderson	Ott	
Childers	Hollahan	Poston	

Nays—2

Karl Reuter

By unanimous consent Senators Plante, Williams and Pope were recorded as voting yea.

Consideration of Senate Bills 924 and 838 was deferred, the bills retaining their places on the Calendar.

SB 781—A bill to be entitled An act relating to governmental reorganization; transferring from the board of trustees of the internal improvement trust fund to the division of corporations of the department of state all powers, duties and functions relating to patents, trademarks or copyrights under §§286.021 and 286.031, Florida Statutes; adding subsection (12)

to §20.10, Florida Statutes, and amending §§20.27, 286.021 and 286.031, Florida Statutes, 1970 Supplement, to effect such transfer; providing an effective date.

Was read the second time by title. On motion by Senator Daniel, by two-thirds vote SB 781 was read the third time by title, passed and certified to the House. The vote was: Yeas—44 Nays—None

Mr. President	Deeb	Johnson (29th)	Pope
Arnold	de la Parte	Johnson (34th)	Poston
Barron	Ducker	Karl	Reuter
Barrow	Fincher	Knopke	Saunders
Beaufort	Gong	Lane	Sayler
Bell	Graham	Lewis (33rd)	Scarborough
Bishop	Gunter	Lewis (43rd)	Stolzenburg
Boyd	Haverfield	McClain	Trask
Brantley	Henderson	Myers	Ware
Childers	Hollahan	Ott	Weissenborn
Daniel	Horne	Plante	Wilson

By unanimous consent Senator Williams was recorded as voting yea.

SB 846—A bill to be entitled An act relating to the office of comptroller and department of banking and finance; amending chapter 17, Florida Statutes, by adding section 17.012, F. S.; authorizing a legal division; providing an effective date.

Was read the second time by title. On motion by Senator Horne, by two-thirds vote SB 846 was read the third time by title, passed and certified to the House. The vote was: Yeas—44 Nays—None

Mr. President	de la Parte	Johnson (34th)	Poston
Arnold	Ducker	Karl	Reuter
Barron	Fincher	Knopke	Saunders
Barrow	Gong	Lane	Sayler
Beaufort	Graham	Lewis (33rd)	Scarborough
Bell	Gunter	Lewis (43rd)	Stolzenburg
Bishop	Haverfield	McClain	Trask
Boyd	Henderson	Myers	Ware
Brantley	Hollahan	Ott	Weissenborn
Childers	Horne	Plante	Williams
Daniel	Johnson (29th)	Pope	Wilson

SB 847—A bill to be entitled An act relating to the security of state property; amending chapter 17, Florida Statutes, by adding section 17.031; creating within the department of banking and finance a bureau of security; prescribing the duties, powers, and functions of the bureau; providing an effective date.

Was read the second time by title.

The Committee on Governmental Efficiency offered the following amendment which was adopted on motion by Senator Daniel:

On page 1, line 15, section 1, strike all the language thereafter and insert the following:

17.031 Security of comptroller's office.—The comptroller is authorized to engage the full-time services of two (2) law enforcement officers, with power of arrest, to prevent all acts of a criminal nature directed at the property in the custody and/or control of the comptroller. While so assigned, said officers shall be under the direction and supervision of the comptroller and their salaries and expenses shall be paid from the general fund of the office of comptroller.

Section 2. This act shall take effect upon becoming law.

The Committee on Governmental Efficiency offered the following amendment which was adopted on motion by Senator Daniel:

On page 1, line 7, strike "creating within the department of banking and finance a bureau of security; prescribing the duties, powers, and functions of the bureau; providing an

effective date." and insert: authorizing the comptroller to engage law enforcement officers to prevent all acts of criminal nature directed at property in custody and/or control of the comptroller; while assigned, officers to act under direction and supervision of comptroller; providing an effective date.

On motion by Senator Horne, by two-thirds vote, SB 847 as amended was read the third time by title, passed and ordered engrossed. The vote was: Yeas—45 Nays—None

Mr. President	de la Parte	Karl	Saunders
Arnold	Ducker	Knopke	Sayler
Barron	Fincher	Lane	Scarborough
Barrow	Gong	Lewis (33rd)	Stolzenburg
Beaufort	Graham	Lewis (43rd)	Trask
Bell	Gunter	McClain	Ware
Bishop	Haverfield	Myers	Weissenborn
Boyd	Henderson	Ott	Williams
Brantley	Hollahan	Plante	Wilson
Childers	Horne	Pope	
Daniel	Johnson (29th)	Poston	
Deeb	Johnson (34th)	Reuter	

Senator de la Parte was excused to work with the staff of the Committee on Ways and Means.

SB 492—A bill to be entitled An act relating to the Division of Corrections; amending Section 945.16(1), Florida Statutes; providing that all services or items produced, processed or manufactured by the division in its rehabilitation programs, may be sold to state agencies, counties and municipalities without specific legislative authority; providing an effective date.

Was read the second time by title.

The Committee on Governmental Efficiency offered the following amendment which was adopted on motion by Senator Myers:

On page 1, line 21, section 1, strike from line 21 through the remainder of the bill and insert: (1) All services or items manufactured, processed, grown or produced by the division in its present programs or in future programs and not required for use therein, may be furnished or sold to all state agencies, departments and institutions.

(2) The following items or services, whenever available, may be sold to counties, school districts, sheriffs or county public safety officers, municipalities, or other political subdivisions: furniture, metal products, canned goods, clothing, farm products, bricks and masonry products, repair and maintenance services, tobacco and janitorial supplies. No other items are to be sold to such counties, cities, school districts or like political subdivisions without specific authority from the legislature.

Section 2. This act shall take effect July 1, 1971.

On motion by Senator Myers, by two-thirds vote, SB 492 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—36

Mr. President	Fincher	Knopke	Reuter
Arnold	Gong	Lane	Saunders
Barron	Graham	Lewis (33rd)	Sayler
Beaufort	Gunter	Lewis (43rd)	Stolzenburg
Bell	Haverfield	McClain	Trask
Bishop	Henderson	Myers	Ware
Boyd	Hollahan	Plante	Weissenborn
Deeb	Horne	Pope	Williams
Ducker	Johnson (34th)	Poston	Wilson

Nays—4

Barrow	Brantley	Childers	Johnson (29th)
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By unanimous consent Senator Daniel was recorded as voting nay.

Consideration of SB 713 was deferred, the bill retaining its place on the Calendar.

SB 942—A bill to be entitled An act relating to open space lands; providing for the acquisition and designation of open space lands, prohibiting the conversion or diversion of open space lands except under specified circumstances; and providing for the lease of open space lands.

Was read the second time by title.

The Committee on Natural Resources and Conservation offered the following amendment which was adopted on motion by Senator Knopke:

On page 2, lines 17-18, section 4, strike "grant or otherwise," and insert: or grant,

The Committee on Natural Resources and Conservation offered the following amendment which was adopted on motion by Senator Knopke:

On page 2, line 23, section 4, after the period (.) add: Nothing contained in this act shall be construed as granting the right of eminent domain to any governmental body.

On motion by Senator Graham, by two-thirds vote, SB 942 as amended was read the third time by title.

On motion by Senator Graham the following amendment was adopted by two-thirds vote:

On page 2, section 3, strike lines 10—14 and insert: (2) "Governmental Body" means the Department of Natural Resources and the governing body of any county or municipality.

SB 942 as further amended was read by title, passed and ordered engrossed. The vote was:

Yeas—39

Mr. President	Graham	Lane	Sayler
Barron	Gunter	Lewis (33rd)	Scarborough
Beaufort	Haverfield	Lewis (43rd)	Stolzenburg
Bell	Henderson	McClain	Trask
Bishop	Hollahan	Ott	Ware
Boyd	Horne	Plante	Weber
Brantley	Johnson (29th)	Pope	Weissenborn
Deeb	Johnson (34th)	Poston	Williams
Ducker	Karl	Reuter	Wilson
Gong	Knopke	Saunders	

Nays—3

Arnold	Barrow	Childers
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By unanimous consent Senator Daniel was recorded as voting yea.

SB 984—A bill to be entitled An act establishing a joint legislative committee on population and environment; providing that said committee shall be advisory to the governor and the legislature; providing for membership, duties, expenses, and necessary personnel of the committee; prescribing a report; providing an effective date.

Was read the second time by title.

The Committee on Natural Resources and Conservation offered the following amendment which was adopted on motion by Senator Knopke:

On page 2, line 23, section 4, after the period (.) add: The report provided herein shall be submitted on or before February 1, 1972.

On motion by Senator Graham, by two-thirds vote, SB 984 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—39

Mr. President	Ducker	Johnson (34th)	Saunders
Arnold	Fincher	Knopke	Sayler
Barrow	Gong	Lane	Scarborough
Beaufort	Graham	Lewis (33rd)	Stolzenburg
Bell	Gunter	Lewis (43rd)	Trask
Bishop	Haverfield	McClain	Ware
Boyd	Henderson	Myers	Weber
Brantley	Hollahan	Pope	Weissenborn
Childers	Horne	Poston	Wilson
Deeb	Johnson (29th)	Reuter	

Nays—2

Plante Williams

By unanimous consent Senator Johnson (29th) changed her vote from yea to nay; Senator Daniel was recorded as voting yea.

SB 987—A bill to be entitled An act relating to Crawfish Regulations; Section 370:14(4), Florida Statutes, amending 370:14(4) and adding 370:14(4)(a) thereto to provide for the importing of saltwater crawfish by special permit during the closed season; providing for storage and distribution of inventory stock; and for performance bond; providing an effective date.

Was read the second time by title. On motion by Senator Knopke, by two-thirds vote SB 987 was read the third time by title, passed and certified to the House. The vote was:

Yeas—39

Arnold	Ducker	Johnson (34th)	Saunders
Barron	Fincher	Knopke	Sayler
Barrow	Gong	Lewis (43rd)	Scarborough
Beaufort	Graham	McClain	Stolzenburg
Bell	Gunter	Myers	Trask
Bishop	Haverfield	Ott	Ware
Boyd	Henderson	Plante	Weissenborn
Brantley	Hollahan	Pope	Williams
Childers	Horne	Poston	Wilson
Deeb	Johnson (29th)	Reuter	

Nays—3

Mr. President Lane Lewis (33rd)

By unanimous consent Senator Daniel was recorded as voting yea.

Consideration of Senate Bills 358 and 1023 was deferred, the bills retaining their places on the Calendar.

SB 723—A bill to be entitled An act relating to alimony and support; authorizing county commissions to employ a court trustee; providing duties of said court trustee; providing legal, investigative, secretarial, and clerical assistance for the court trustee; requiring the state attorney to furnish legal assistance and advice in certain cases; authorizing the court trustee to assist needy parties seeking support from obligor in another state; providing that certain alimony and support payments be made through the office of the clerk of the circuit court; authorizing additional filing fees on civil cases filed in the circuit court to apply toward the expenses of the court trustee; authorizing the appropriation of county funds and the providing of office space for the salary, expenses and use of the court trustee and making such appropriation a county purpose; providing an effective date.

Was read the second time by title.

The Committee on Judiciary—Civil A offered the following amendment which was adopted on motion by Senator Barron:

On page 4, lines 2—8, section 8, strike lines 2 through and including 8 and insert: such fees as may be set by order of a majority of the circuit judges of the respective circuit for the collection and disbursement of alimony or support payments pursuant to this section. When collected, such fees shall be added to and become a

The Committee on Judiciary—Civil A offered the following amendment which was adopted on motion by Senator Barron:

On page 5, line 18, section 13, strike line 18 and insert: court trustee to perform his duties and to defray the cost thereof in whole or in part from the sums remitted to it by the clerk pursuant to section 10.

On motion by Senator Lewis (43rd), by two-thirds vote, SB 723 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—32

Arnold	Graham	Lewis (33rd)	Scarborough
Barrow	Haverfield	Lewis (43rd)	Stolzenburg
Beaufort	Henderson	McClain	Trask
Bell	Horne	Myers	Ware
Brantley	Johnson (29th)	Ott	Weber
Ducker	Johnson (34th)	Poston	Weissenborn
Fincher	Karl	Reuter	Williams
Gong	Lane	Saunders	Wilson

Nays—6

Barron Boyd Plante
Bishop Childers Pope

By unanimous consent Senator Barrow changed his vote from yea to nay; Senators Gunter and Daniel were recorded as voting nay.

Consideration of Senate Bills 1044 and 876 was deferred, the bills retaining their places on the Calendar.

On motion by Senator Haverfield, by two-thirds vote, HB 1225 was withdrawn from the Committee on Universities and Community Colleges and placed on the Calendar.

SB 956 was taken up and on motion by Senator Haverfield—

HB 1225—A bill to be entitled An act relating to junior colleges; amending chapter 230, Florida Statutes, by adding section 230.777 authorizing district boards of trustees to pay premiums for group insurance; providing an effective date.

—a companion measure was substituted therefor and read the second time by title.

On motion by Senator Boyd the following amendment was adopted:

On page 1, lines 14—20, strike lines 14 through 20 and insert: 230.777 Payments of premiums for group insurance—A Junior College Board of Trustees may pay out of any of its funds all or part of the premiums or charges for Life, Health, Accident, Hospitalization under a group insurance plan

On motion by Senator Boyd, by two-thirds vote, HB 1225 as amended was read the third time by title, passed and certified to the House. The vote was:

Yeas—29

Arnold	Gong	Knopke	Saunders
Beaufort	Graham	Lane	Sayler
Bell	Haverfield	Lewis (43rd)	Scarborough
Boyd	Henderson	McClain	Trask
Brantley	Hollahan	Myers	Weissenborn
Childers	Horne	Plante	
Daniel	Johnson (29th)	Poston	
Fincher	Johnson (34th)	Reuter	

Nays—10

Mr. President	Bishop	Lewis (33rd)	Wilson
Barron	Ducker	Stolzenburg	
Barrow	Karl	Ware	

SB 956 was laid on the table.

Consideration of Senate Bills 980, 1032, 368, 808 and 431 was deferred, the bills retaining their places on the Calendar.

SB 437—A bill to be entitled An act relating to removal of disabilities of nonage, minor student capacity to borrow; amending §743.05, Florida Statutes; providing definitions; enacting the uniform minor student capacity to borrow act; providing any obligation signed by a minor sixteen (16) or more years of age in consideration of an educational loan is enforceable as if he were an adult at the time of execution; providing an exception; providing an effective date.

Was read the second time by title.

The Committee on Judiciary—Civil B offered the following amendment which was adopted on motion by Senator Horne:

On page 2, line 17, section 1(3), after the period (.) insert: Provided, this act shall not affect written obligations with an interest rate in excess of 10% simple interest.

On motion by Senator Graham, by two-thirds vote, SB 437 as amended was read the third time by title, passed and ordered engrossed. The vote was: Yeas—40 Nays—None

Mr. President	Daniel	Johnson (29th)	Poston
Arnold	Ducker	Johnson (34th)	Reuter
Barron	Fincher	Karl	Saunders
Barrow	Gong	Knopke	Saylor
Beaufort	Graham	Lane	Scarborough
Bell	Gunter	Lewis (33rd)	Trask
Bishop	Haverfield	Lewis (43rd)	Ware
Boyd	Henderson	Myers	Weissenborn
Brantley	Hollahan	Ott	Williams
Childers	Horne	Plante	Wilson

SB 682—A bill to be entitled An act relating to the election laws of the state; amending §§ 97.041(1) and 101.49(1), Florida Statutes; amending qualifications to register; amending procedure to be followed by election officers where signatures differ; providing an effective date.

Was read the second time by title.

The Committee on Judiciary—Civil B offered the following amendment which was adopted on motion by Senator Horne:

On page 1, line 13, section 1, strike—Section one (1) and insert a new section 1:

Section 1. Subsection (1) of section 97.041, Florida Statutes, is amended to read: 97.041 Qualifications to register.—(1) Any person twenty-one years of age or any person who will attain age twenty-one prior to the next succeeding primary, special primary, general or special general election, upon proof of his birthdate, who is a citizen of the United States, a permanent, legally domiciled resident living in Florida for one year and a permanent, legally domiciled resident of ~~residing in~~ the county where he wishes to register for the preceding six months, is eligible to register with the supervisor when the registration books are open.

On motion by Senator Gunter, by two-thirds vote, SB 682 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—39

Mr. President	Beaufort	Boyd	Daniel
Arnold	Bell	Brantley	Ducker
Barron	Bishop	Childers	Fincher

Gong	Johnson (29th)	McClain	Trask
Graham	Johnson (34th)	Myers	Ware
Gunter	Karl	Ott	Weber
Haverfield	Knopke	Plante	Weissenborn
Henderson	Lane	Saunders	Williams
Hollahan	Lewis (33rd)	Saylor	Wilson
Horne	Lewis (43rd)	Stolzenburg	

Nays—1

Reuter

SB 681—A bill to be entitled An act relating to the election laws of the state; amending subsection (1) of §101.62, Florida Statutes, as amended by chapter 70-93, Laws of Florida, and §§ 101.62(2) and (3), 101.63, and 101.65(1), Florida Statutes; amending application for absentee ballots, time, and form; deleting requirement that supervisor shall publish list of absentee electors; amending manner and time of delivery of absentee elector's ballot to supervisor; providing an effective date.

Was read the second time by title.

The Committee on Judiciary—Civil B offered the following amendment which was adopted on motion by Senator Horne:

On page 6, line 14, section 5, strike "Section 5. This act shall take effect upon becoming a law." and insert:

Section 5. Subsection (2) of section 101.67, Florida Statutes is amended to read:

101.67 Safekeeping of mailed ballots; deadline for receiving absentee ballots; certain absentee ballots not to be counted.—

(2) All marked absent elector's ballots to be counted must be received by the supervisor by 7 p.m. the day of the election ~~5:00 p.m. of the day preceding any election~~; all ballots received thereafter shall be marked with the time and date of receipt, and filed in his office.

Section 6. This act shall take effect upon becoming a law.

The Committee on Judiciary—Civil B offered the following amendment which was adopted on motion by Senator Horne:

On page 1, line 8, in title, strike "Florida Statutes;" and insert: 101.67(2), Florida Statutes;

On motion by Senator Gunter, by two-thirds vote, SB 681 as amended was read the third time by title, passed and ordered engrossed. The vote was: Yeas—40 Nays—None

Mr. President	Ducker	Johnson (34th)	Reuter
Arnold	Fincher	Karl	Saunders
Barron	Gong	Knopke	Saylor
Beaufort	Graham	Lane	Stolzenburg
Bell	Gunter	Lewis (33rd)	Trask
Bishop	Haverfield	Lewis (43rd)	Ware
Boyd	Henderson	McClain	Weber
Brantley	Hollahan	Myers	Weissenborn
Childers	Horne	Ott	Williams
Daniel	Johnson (29th)	Plante	Wilson

SB 787 was taken up, together with:

By the Committee on Personnel, Retirement and Claims—

CS for SB 787—A bill to be entitled An act relating to the retirement system for school teachers; amending section 238.07 (16) (b), Florida Statutes, relating to retired members; providing an effective date:

Which was read the first time by title and SB 787 was laid on the table.

On motions by Senator Horne, by two-thirds vote, CS for SB 787 was read the second time by title and by two-thirds

vote was read the third time by title, passed and certified to the House. The vote was: Yeas—41 Nays—None

Mr. President	Ducker	Karl	Saunders
Arnold	Fincher	Knopke	Sayler
Barron	Gong	Lane	Scarborough
Barrow	Graham	Lewis (33rd)	Stolzenburg
Beaufort	Gunter	Lewis (43rd)	Trask
Bell	Haverfield	McClain	Ware
Bishop	Henderson	Myers	Weissenborn
Boyd	Hollahan	Ott	Wilson
Brantley	Horne	Pope	
Childers	Johnson (29th)	Poston	
Daniel	Johnson (34th)	Reuter	

By unanimous consent Senator Williams was recorded as voting yea.

SB 820—A bill to be entitled An act relating to Florida retirement system; amending §121.021(29), Florida Statutes; providing an effective date.

Was read the second time by title.

The Committee on Personnel, Retirement and Claims offered the following amendment which was adopted on motion by Senator Scarborough:

On page 2, line 3, section 1, after "reenters" strike "the teaching profession" and insert: his employment

On motion by Senator Haverfield, by two-thirds vote, SB 820 as amended was read the third time by title, passed and ordered engrossed. The vote was: Yeas—41 Nays—None

Mr. President	Ducker	Karl	Saunders
Arnold	Fincher	Knopke	Sayler
Barron	Gong	Lane	Scarborough
Barrow	Graham	Lewis (33rd)	Stolzenburg
Beaufort	Gunter	Lewis (43rd)	Trask
Bell	Haverfield	McClain	Ware
Bishop	Henderson	Myers	Weissenborn
Boyd	Hollahan	Ott	Wilson
Brantley	Horne	Plante	
Childers	Johnson (29th)	Poston	
Daniel	Johnson (34th)	Reuter	

By unanimous consent Senator Williams was recorded as voting yea.

SB 1392—A bill to be entitled An act relating to existing and future private foundation trusts and split interest trusts as defined in the act; defining certain terms; specifying certain powers and duties of trustees of private foundation trusts and split interest trusts; providing for amendment of such trusts and for deviation from terms thereof; providing for supervision of certain of said trusts; expressing intent of the state of Florida to preserve, foster and encourage gifts to or for the benefit of charitable organizations; providing for exemption from application of the act; providing for severability of provisions of the act; and providing an effective date.

Was read the second time by title.

On motion by Senator Horne the following amendment was adopted:

On page 10, line 1, section 14, strike entire Section 14 and insert:

Section 14. The provisions of this Act shall not apply to any trust to the extent that a court of competent jurisdiction shall determine that such application would be contrary to the terms of the instrument governing such trusts and that the same may not properly be changed to conform to Sections 4941 and 4945 inclusive, of the United States Internal Revenue Code.

Section 15. This Act shall take effect on July 1, 1971.

On motion by Senator Horne, by two-thirds vote, SB 1392 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—39

Mr. President	Ducker	Karl	Saunders
Arnold	Fincher	Knopke	Sayler
Barron	Gong	Lane	Scarborough
Barrow	Gunter	Lewis (33rd)	Stolzenburg
Beaufort	Haverfield	Lewis (43rd)	Trask
Bishop	Henderson	McClain	Ware
Boyd	Hollahan	Myers	Weissenborn
Brantley	Horne	Ott	Williams
Childers	Johnson (29th)	Plante	Wilson
Daniel	Johnson (34th)	Reuter	

Nays—1

Bell

Consideration of SB 308 was deferred, the bill retaining its place on the Calendar.

On motion by Senator Barrow, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Jerry Thomas
President of the Senate

May 21, 1971

Sir:

I am directed to inform the Senate that the House of Representatives has passed—

By Representative Walker—

HB 1245—A bill to be entitled An act to permit trust companies, banks and other financial institutions to close and to suspend all or part of their business on account of actual or threatened emergencies and at other special times; amending chapter 659, Florida Statutes, by adding section 659.272; repealing sections 656.30, 656.31, 659.27(2), and 659.271(4), Florida Statutes; and providing an effective date.

By the Committee on Business Regulation—

HB 2262—A bill to be entitled An act relating to the purchase and sale of beverages by licensed clubs; amending section 569.03, Florida Statutes, to delete the words "nor smaller than one-fifth of one gallon"; amending section 569.04, Florida Statutes, to allow licensed clubs to sell individual drinks in miniature bottles of not more than two (2) ounces dispensed from mechanical dispensing devices; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HB 1245, contained in the above message, was read the first time by title. On motion by Senator Barrow the rules were waived and the bill was placed on the Calendar.

HB 2262, contained in the above message, was read the first time by title and referred to the Committee on Rules, Calendar, Privileged Business and Ethics.

The Senate resumed—

CONSENT CALENDAR

SB 876 was taken up and on motion by Senator Barrow—

HB 1245—A bill to be entitled An act to permit trust companies, banks and other financial institutions to close and to

suspend all or part of their business on account of actual or threatened emergencies and at other special times; amending chapter 659, Florida Statutes, by adding section 659.272; repealing sections 656.30, 656.31, 659.27(2), and 659.271(4), Florida Statutes; and providing an effective date.

—a companion measure was substituted therefor. On motions by Senator Barrow, by two-thirds vote, HB 1245 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote was:

Yeas—39

Mr. President	Daniel	Johnson (29th)	Poston
Arnold	Ducker	Johnson (34th)	Reuter
Barron	Fincher	Karl	Saunders
Barrow	Gong	Lane	Scarborough
Beaufort	Graham	Lewis (33rd)	Trask
Bell	Gunter	Lewis (43rd)	Ware
Bishop	Haverfield	McClain	Weissenborn
Boyd	Henderson	Myers	Williams
Brantley	Hollahan	Ott	Wilson
Childers	Horne	Plante	

Nays—2

Pope Stolzenburg

SB 876 was laid on the table.

Senator Plante moved that the Senate reconsider the vote by which HB 1225 as amended passed this day.

SB 675—A bill to be entitled An act relating to practitioners of the healing arts; providing that no applicant for licensing as a physician, dentist, osteopath, pharmacist, podiatrist, optometrist, or chiropractor shall be eligible for a license unless said applicant is a graduate of an appropriate professional school that has been accredited by an accrediting agency, recognized and approved by the national commission on accrediting and the office of education, department of health, education and welfare; providing an effective date.

Was read the second time by title.

On motion by Senator Lane the following amendment was adopted:

On page 2, lines 13 and 14, section 2, strike "August 1, 1971" and insert: August 1, 1972

On motion by Senator Lane, by two-thirds vote, SB 675 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—32

Mr. President	Fincher	Knopke	Reuter
Arnold	Gong	Lane	Saunders
Barrow	Graham	Lewis (33rd)	Sayler
Beaufort	Haverfield	McClain	Scarborough
Bell	Henderson	Myers	Stolzenburg
Boyd	Hollahan	Plante	Trask
Brantley	Horne	Pope	Weber
Ducker	Johnson (34th)	Poston	Wilson

Nays—9

Barron	Daniel	Karl	Ware
Bishop	Johnson (29th)	Ott	Williams
Childers			

By unanimous consent Senator Barrow changed his vote from yea to nay.

SB 1035—A bill to be entitled An act relating to the beverage law; amending §562.13, Florida Statutes; providing that minors under the age of twenty-one (21) years may be em-

ployed in bowling alleys which serve alcoholic beverages under certain conditions; providing an effective date.

Was read the second time by title. On motion by Senator Lewis (43rd), by two-thirds vote, SB 1035 was read the third time by title, passed and certified to the House. The vote was:

Yeas—33

Mr. President	Gong	Lewis (33rd)	Scarborough
Arnold	Graham	Lewis (43rd)	Trask
Barron	Haverfield	McClain	Ware
Barrow	Henderson	Ott	Weber
Beaufort	Hollahan	Plante	Williams
Bell	Horne	Pope	Wilson
Boyd	Johnson (29th)	Poston	
Brantley	Karl	Reuter	
Ducker	Knopke	Sayler	

Nays—8

Bishop	Daniel	Johnson (34th)	Saunders
Childers	Gunter	Lane	Stolzenburg

By unanimous consent Senator Myers was recorded as voting yea.

SB 870—A bill to be entitled An act relating to public health; amending §381.011, Florida Statutes, to provide for the appointment of an osteopathic physician to the advisory council to the division of health of the department of health and rehabilitative services; providing an effective date.

Was read the second time by title.

The Committee on Health, Welfare and Institutions offered the following amendment which was adopted on motion by Senator Karl:

On page 1, lines 17-22, strike lines 17 through 22 and insert: in this chapter as the council, shall be composed of six members appointed by the Governor; one (1) of whom shall be an osteopathic physician, licensed to practice under chapter 459; two (2) of whom shall be doctors of medicine, licensed to practice under chapter 458;

Senators Karl and Deeb offered the following amendment which was adopted on motion by Senator Karl:

On page 1, line 5 in title, strike "to provide for" and insert: creating an Advisory Council of six members appointed by the governor; providing for

On motion by Senator Karl, by two-thirds vote, SB 870 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—37

Mr. President	Daniel	Karl	Scarborough
Arnold	Ducker	Knopke	Stolzenburg
Barron	Gong	Lewis (33rd)	Trask
Barrow	Graham	Lewis (43rd)	Ware
Beaufort	Gunter	McClain	Weber
Bell	Haverfield	Ott	Williams
Bishop	Hollahan	Plante	Wilson
Boyd	Horne	Poston	
Brantley	Johnson (29th)	Saunders	
Childers	Johnson (34th)	Sayler	

Nays—3

Henderson	Lane	Reuter
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By unanimous consent Senator Myers was recorded as voting yea.

Pursuant to Rule 4.14, Senator Karl gave 15 minutes notice of intention to move to take up Senate Bills 777, 790 and 795 out of order.

On motion by Senator Daniel, by two-thirds vote, HB 2030 was withdrawn from the Committee on Governmental Efficiency and placed on the Calendar.

On motion by Senator Daniel, by two-thirds vote, SB 1390 was withdrawn from the Committee on Governmental Efficiency.

Consideration of SB 835 was deferred, the bill retaining its place on the Calendar.

SB 755 was taken up, together with:

By the Committee on Transportation—

CS for SB 755—A bill to be entitled An act relating to education; amending section 234.221, Florida Statutes; providing for inspection of school buses and withdrawal from service upon failure to meet requirements; providing for guidance, demonstration, and instruction of maintenance personnel; providing an effective date.

—which was read the first time by title and SB 755 was laid on the table.

On motions by Senator Beaufort, by two-thirds vote, CS for SB 755 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote was:

Yeas—40

Mr. President	Fincher	Karl	Poston
Arnold	Gong	Knopke	Reuter
Barron	Graham	Lane	Saunders
Barrow	Gunter	Lewis (33rd)	Saylor
Beaufort	Haverfield	Lewis (43rd)	Scarborough
Bell	Henderson	McClain	Trask
Brantley	Hollahan	Myers	Ware
Childers	Horne	Ott	Weissenborn
Daniel	Johnson (29th)	Plante	Williams
Ducker	Johnson (34th)	Pope	Wilson

Nays—2

Bishop Boyd

On motion by Senator Hollahan, by two-thirds vote, SB 1023 was made a special order of business for consideration by the Senate at 11:00 a.m. May 26.

On motion by Senator Lane, by two-thirds vote, SB 1171 was withdrawn from the Committee on Health, Welfare and Institutions and from further consideration of the Senate.

SB 1068—A bill to be entitled An act relating to forgery and counterfeiting, amending chapter 831, Florida Statutes, by adding section 831.30 to provide penalties for forging prescriptions; providing an effective date.

Was read the second time by title.

The Committee on Judiciary—Criminal offered the following amendment which was adopted on motion by Senator Myers:

On page 1, line 13, section 1, strike the numbers "841.30" and insert: 831.30

The Committee on Judiciary—Criminal offered the following amendment which was adopted on motion by Senator Myers:

On page 1, section 2, strike all of Section 2 and insert: Section 2. This act shall take effect September 1, 1971.

On motion by Senator Myers, by two-thirds vote, SB 1068 as amended was read the third time by title, passed and ordered engrossed. The vote was: Yeas—40 Nays—None

Mr. President	Fincher	Karl	Poston
Arnold	Gong	Knopke	Reuter
Barron	Graham	Lane	Saunders
Beaufort	Gunter	Lewis (33rd)	Saylor
Bell	Haverfield	Lewis (43rd)	Scarborough
Boyd	Henderson	McClain	Trask
Brantley	Hollahan	Myers	Ware
Childers	Horne	Ott	Weber
Daniel	Johnson (29th)	Plante	Williams
Ducker	Johnson (34th)	Pope	Wilson

By unanimous consent Senator Weissenborn was recorded as voting yea.

Notice having been given pursuant to Rule 4.14, on motion by Senator Karl, consent was obtained to take up out of order—

SB 777—A bill to be entitled An act relating to unemployment compensation; amending subsections (5), (7) and (13) of section 443.03, F.S., to redefine "employment", "employer", and "wages"; adding subsection (5) to section 443.04, F.S., to provide for extended benefits; amending section 443.05, F.S., to revise benefit eligibility conditions; adding subsections (4) and (5) to section 443.08, F.S., to provide for financing certain benefits; amending section 443.09, F.S. to conform coverage termination provisions; amending subsections (2) and (3) of section 443.10, F.S., to include provisions for extended benefits; amending subsection (5) of section 443.12, F.S., to provide for advisory councils; amending paragraph (a) of subsection (11) of section 443.12, F.S., to require of this state certain state-federal cooperation; amending subsection (1) of section 443.14, F.S., to remove requirement of separate bank account; amending subsection (1) of section 443.18, F.S., to require participation in certain reciprocal arrangements; and providing an effective date.

—which was read the second time by title.

The Committee on Judiciary—Civil B offered the following amendment which was adopted on motion by Senator Horne:

On page 28, line 26, section 4, strike "not be charged to the experience rating accounts of employers but the share of such extended benefits paid from this state's unemployment compensation trust fund, and not eligible for reimbursement from federal sources, shall be deemed noncharge benefits under subsection 443.08(3)." and insert: be charged to the experience rating accounts of employers to the extent the share of such extended benefits paid from this state's unemployment compensation trust fund is not eligible for reimbursement from federal sources.

The Committee on Judiciary—Civil B offered the following amendment which was adopted on motion by Senator Horne:

On page 39, line 17, section 6, insert after the word "the": several departments of the

The Committee on Judiciary—Civil B offered the following amendment which was adopted on motion by Senator Horne:

On page 52, line 15, section 12, strike the period on line 14 and all of lines 15, 16 and 17 and insert: , except that moneys in this fund shall not be commingled with other state funds, but shall be maintained in a separate account on the books of a depository bank.

On motion by Senator Karl, by two-thirds vote, SB 777 as amended was read the third time by title, passed and ordered engrossed. The vote was: Yeas—39 Nays—None

Mr. President	Daniel	Johnson (29th)	Pope
Arnold	Ducker	Johnson (34th)	Poston
Barron	Fincher	Karl	Reuter
Barrow	Gong	Lane	Saunders
Beaufort	Graham	Lewis (33rd)	Stolzenburg
Bell	Gunter	Lewis (43rd)	Trask
Bishop	Haverfield	McClain	Ware
Boyd	Henderson	Myers	Williams
Brantley	Hollahan	Ott	Wilson
Childers	Horne	Plante	

Lewis (33rd)	Plante	Sayler	Weissenborn
Lewis (43rd)	Pope	Scarborough	Williams
McClain	Poston	Stolzenburg	Wilson
Myers	Reuter	Trask	
Ott	Saunders	Ware	

Nays—1

Bishop

Notice having been given pursuant to Rule 4.14, on motion by Senator Karl, consent was obtained to take up out of order—

SB 790—A bill to be entitled An act relating to unemployment compensation; amending subsection (5) of Section 443.03, Florida Statutes, to redefine employment to include services performed by employees of the state; providing an effective date.

—which was read the second time by title.

The Committee on Judiciary—Civil B offered the following amendment which was adopted on motion by Senator Horne:

On page 1, line 23, section 1, strike "1974" and insert: 1972

On motion by Senator Karl, by two-thirds vote, SB 790 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—38

Mr. President	Ducker	Karl	Reuter
Arnold	Fincher	Knopke	Saunders
Barron	Graham	Lane	Sayler
Barrow	Gunter	Lewis (33rd)	Stolzenburg
Beaufort	Haverfield	Lewis (43rd)	Trask
Bell	Henderson	McClain	Ware
Boyd	Hollahan	Myers	Williams
Brantley	Horne	Ott	Wilson
Childers	Johnson (29th)	Plante	
Daniel	Johnson (34th)	Poston	

Nays—3

Bishop	Gong	Weissenborn
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Unanimous consent was granted Senator Weissenborn to change his vote from nay to yea.

Notice having been given pursuant to Rule 4.14, on motion by Senator Karl, consent was obtained to take up out of order—

SB 795—A bill to be entitled An act relating to unemployment compensation; amending section 443.08(2)(a) and (b), Florida Statutes, to provide for contribution rates of certain employers; amending section 443.08(3)(h), Florida Statutes, to prescribe conditions for reductions in contribution rates; and providing an effective date.

—which was read the second time by title. On motion by Senator Karl, by two-thirds vote SB 795 was read the third time by title, passed and certified to the House. The vote was:

Yeas—42

Mr. President	Boyd	Gong	Horne
Arnold	Brantley	Graham	Johnson (29th)
Barron	Childers	Gunter	Johnson (34th)
Barrow	Daniel	Haverfield	Karl
Beaufort	Ducker	Henderson	Knopke
Bell	Fincher	Hollahan	Lane

Consideration of Senate Bills 1085, 1086, 1087 and 1089 was deferred, the bills retaining their places on the Calendar.

SB 1091—A bill to be entitled An act relating to obstructing justice; creating section 843.17, Florida Statutes, to provide a penalty for any person tampering with witnesses or informants before prosecuting authorities, law enforcement authorities or legislative committees; prohibiting retaliation against such witnesses or informants; providing penalties; providing an effective date.

Was read the second time by title.

The Committee on Judiciary—Criminal offered the following amendment which was adopted on motion by Senator Barrow:

On page 2, section 2, strike all of Section 2 and insert: Section 2. This act shall take effect September 1, 1971.

On motion by Senator Barrow, by two-thirds vote, SB 1091 as amended was read the third time by title, passed and ordered engrossed. The vote was: Yeas—43 Nays—None

Mr. President	Ducker	Karl	Reuter
Arnold	Fincher	Knopke	Saunders
Barron	Gong	Lane	Sayler
Barrow	Graham	Lewis (33rd)	Scarborough
Beaufort	Gunter	Lewis (43rd)	Stolzenburg
Bell	Haverfield	McClain	Trask
Bishop	Henderson	Myers	Ware
Boyd	Hollahan	Ott	Weissenborn
Brantley	Horne	Plante	Williams
Childers	Johnson (29th)	Pope	Wilson
Daniel	Johnson (34th)	Poston	

Consideration of SB 1092 was deferred, the bill retaining its place on the Calendar.

SB 1093—A bill to be entitled An act relating to appeals by state; amending section 924.07, Florida Statutes, by authorizing the appeal from all adverse trial rulings on questions of law and removing the limitation on the number of appeals from pre-trial orders; providing an effective date.

Was read the second time by title.

The Committee on Judiciary—Criminal offered the following amendment which was adopted on motion by Senator Hollahan:

On page 2, section 2, strike all of Section 2 and insert: Section 2. This act shall take effect September 1, 1971.

On motion by Senator Hollahan, by two-thirds vote, SB 1093 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—38

Mr. President	Beaufort	Childers	Graham
Arnold	Bell	Ducker	Gunter
Barron	Bishop	Fincher	Haverfield
Barrow	Brantley	Gong	Henderson

Hollahan	Lewis (43rd)	Reuter	Ware
Horne	McClain	Saunders	Weissenborn
Johnson (29th)	Myers	Sayler	Williams
Johnson (34th)	Ott	Scarborough	Wilson
Karl	Plante	Stolzenburg	
Knopke	Poston	Trask	

CO-INTRODUCER

By permission Senator Beaufort was recorded as a co-introducer of Senate Bills 787 and 823.

The hour of adjournment having arrived, a point of order was called and the Senate adjourned at 5:01 p.m. to reconvene at 8:30 a.m., May 26, for the purpose of introduction and reference of resolutions, memorials, bills and joint resolutions and thereafter to reconvene at 9:00 a.m., May 26, 1971.

Nays—3

Daniel	Lane	Pope
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